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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE.

WPO/527/2025

RAM BABU SHAH
VS
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE
THE HON'BLE JUSTICE RAJA BASU CHOWDHURY
Date: 11th November, 2025

Appearance:
Mr. Indrajit Bhattacharjee, Adv.
Mr. Sudip Naskar, Adv.
...for the petitioners
Mr. Gopal Chandra Das, Adv.
Ms. Manisha Nath, Adv.
....for the KMC
Mr. Subrata Guha Biswas, Adv.
Mr. Sandipan Maity, Adv.
....for the State

1. Records would reveal that a demolition order has been passed on 27th June, 2024 in respect of unauthorised construction at premises no.49/5/H/138, Karl Marx Sarani, Kolkata, Ward no.79, Borough-IX. Being aggrieved, the petitioner has filed an appeal before the Municipal Building Tribunal which has been registered as "Appeal No.84 of 2024". Although an application for stay had been filed in the said appeal, the same has been rejected. Challenging such order, a civil revisional application had been filed which had been registered as "CO No.2050 of 2025". Such application has also been turned down by an order dated 3rd July, 2025. Subsequently, the petitioner was served with a notice under Section 412(1) of the Kolkata Municipal Corporation Act, 1980 by the Executive Engineer (C)/Building/Borough-IX whereby the occupiers of the property were directed to vacate the entire unauthorised building. Such notice forms the subject matter of challenge in this writ petition.
2. Having heard learned Advocates representing the parties and considering the materials of record, I am of the view that since the petitioner claiming

to be owner of the above property has not been able to succeed in obtaining stay before the statutory forum, the petitioner cannot be permitted to invoke the extraordinary remedy of this Court to stall the demolition process.

3. The writ petition accordingly stands dismissed.

(RAJA BASU CHOWDHURY, J.)

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