

OD-5

ORDER SHEET

WPO/822/2024

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MONIUDDIN AHMED AND ORS
Vs
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE KAUSIK CHANDA
Date : 5th February, 2025

Appearance:
Mr. Supratick Syamal, Adv.
... for the petitioners

Mr. Vimal Kr. Shahi, Adv.
Ms. Manisha Nath, Adv.
...for KMC

The Court: It is not disputed that a four-storied building has been constructed at premises No. 1/7Z, Jiban Krishna Ghosh Road, Ward-003, Borough-I, Kolkata-700037, at the instance of respondent no. 9, the promoter, who obtained a sanctioned plan for a three-storied building from the Kolkata Municipal Corporation. The petitioners are the current occupiers of the top floor.

The report submitted by the Corporation indicates that a demolition order under Section 400(8) of the Kolkata Municipal Corporation Act, 1980, has already been issued in respect of the unauthorised portion of the building.

The learned advocate representing the petitioners submits that the petitioners have made a representation to the Corporation seeking regularisation of the top floor. He contends that the Corporation should consider this prayer in accordance with law.

On the other hand, the learned advocate for the Corporation submits that only minor constructions can be regularised under the relevant rules. Since the entire top floor is unauthorised, there is no provision to regularise such construction.

It has not been disputed by the petitioners that the entire top floor has been constructed without a sanctioned plan from the Corporation. In light of these, I am not inclined to interfere with the demolition order.

Accordingly, WPO/822/2024 is dismissed.

(KAUSIK CHANDA, J.)

sg.