

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/63/2025
IA NO:GA/1/2025
MD. IFTEKHARUL ISLAM MONDAL
-VS-
THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
And
The Hon'ble JUSTICE AJAY KUMAR GUPTA
Date: November 11, 2025.

Mr. I. Bhattacharjee, Adv.; Mr. S. Naskar, Adv., for appellant.
Mr. G.C. Das, Adv.; Ms. A. Das, Adv., for KMC.
Ms. S. Mazumdar, Adv.; Ms. S. Dey, Adv., for State.

1. The Court: The appeal is directed against an order dated July 17, 2025, passed by an Hon'ble Bench of this Court.
2. The grievance of the appellant is that unauthorised construction is being carried out at premises no.T-157, Murry Road, Kolkata-700018, P.S. Rajabagan. The Single Bench found that an earlier writ petition was filed by the petitioner being WPA/7958/2023 in which unauthorised construction was subject matter in respect of the same premises.
3. In the complaint preceding the subject writ petition before the Single Bench, the petitioner has agitated unauthorised construction not only in respect of premises no.157 but also in respect of premises no.s T-154 and T-158, Murry Road.

4. It is submitted by counsel for the petitioner that the aforesaid premises is one with different municipal numbers. The Single Bench was of the view that since the earlier writ petition being WPA/7958/2023 is pending, the appellant may seek remedies and take steps in the said pending writ petition. It was further observed that the impugned writ petition has given way to multiplicity of proceedings which the appellant/writ petitioner ought to have avoided.
5. This Court cannot find fault with the impugned order as the petitioner already has a pending writ petition challenging the same unauthorised construction in the particular municipal premises.
6. The new construction and that too by other persons can be brought within the scope of the earlier writ petition by way of appropriate applications.
7. In that view of the matter, this Court finds no reason to interfere with the impugned order.
8. APO/63/2025 along with the connected application stands dismissed. There will be no order as to costs.

(RAJASEKHAR MANTHA, J.)

(AJAY KUMAR GUPTA, J.)