

OD-4

ORDER SHEET
WPO/1030/2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SK NISHAD ALI
VS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE GAURANG KANTH
Date: 1st May, 2025.

Appearance:
Mr. Amartya Basu, Adv.
Ms. Sumedha Baisya, Adv.
...for the Petitioner.
Mr. Gopal Chandra Das, Adv.
Ms. Ananya Das, Adv.
...for KMC.
Mr. Debangshu Dinda, Adv.
...for the State.

The petitioner has preferred the present writ petition alleging illegal and unauthorized construction at premises no.185, Picnic Garden Road, Police Station- Kasba, Kolkata - 700039.

It is the case of the petitioner that he had entered into a sale agreement dated 11th December, 2023 with the respondent nos. 7 and 8 with regard to purchase of a shop room measuring an area about 550 sq. ft. on the ground floor at Block-A of the above mentioned premises, for a sale consideration of Rs.6,00,000/-. Subsequently, the private respondents demanded an additional amount of Rs.4,80,000/-.

In pursuant of making the said additional payment, the petitioner had applied for a loan, during the course of which the petitioner came to know that the subject building was constructed without any sanctioned building plan.

Consequently, the petitioner preferred several representations before the competent authority. However, no substantial action was taken by the authorities concerned against the private respondents who had raised the illegal and unauthorised construction.

Learned Counsel for the municipality appears and produces a report, which is duly taken on record. The said report discloses that a stop work notice was issued on 18.08.2022, in respect of the subject premises and thereafter, the order of demolition under Section 400 (8) of the Kolkata Municipal Corporation Act, 1980, has been duly passed. The report further reveals that pursuant to the said demolition order, partial demolition of the unauthorised construction has already been executed at the subject premises.

Learned Counsel for the petitioner submits that he is satisfied with the said action taken by the respondent/corporation thus far. In view of the measures already implemented by the corporation and considering the assurance extended before this Court that any remaining demolition shall be effected strictly in accordance with the governing legal framework, this Court is of the considered view that the grievances raised in the present writ petition have been adequately addressed.

In the light of the aforesaid developments and the assurance of continued adherence to legal procedure by the municipal authorities, nothing further survives for adjudication in the present writ petition.

Accordingly, the present writ petition is disposed of in terms of the report submitted by the respondent corporation.

(GAURANG KANTH, J.)