

21.04.2026
Sl. No. ML50-51
Ct.3.
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 25634 of 2025

Entally Janasevak Sangha & Ors.
Versus
The Kolkata Municipal Corporation & Ors.

With
WPA 1139 of 2026

Md. Wasim
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Amit Gupta ,
Mr. Amaar Deep Gupta,
... For the Petitioner in WPA 25634 of
2025 and the respondent
in WPA 1139 of 2026.

Mr. Sagnik Chatterjee,
Ms. Ananya Neogi,
.... For the State.

Mr. Amit Gupta,
Mr. Nayaab Mulla,
Mr. Prithviraj Sinha Roy,
Mr. Amaar Deep Gupta,
.... For the respondent nos. 8,9,11 &12 in WPA
25634 of 2025.

Mr. Alak Kuamr Ghosh,
Mr. Biswajit Mukherjee,
Mr. Debanjan Mukherjee,
Ms. Gulnaz Quarishi,
... for the KMC.

1. The petitioner in WPA 25634 of 2025 is the complainant of the illegal construction allegedly undertaken by the private respondent nos. 8-14 in the said writ petition.
2. This Court by the order dated 10th December, 2025 noting the case made out and considering that the private respondents had carried out construction on the basis of the building permit issued on 13th September, 2023 for construction

of a G+III storied residential building in respect of the premises no. 136 A Dr. Lal Mohan Bhattacharya Road, Ward No. 55 Borough – VI, however, at the same time also noting that the construction had progressed in an unauthorized manner encroaching upon the mandatory open spaces on the two number of splayed corner which had been subsumed in constructed portion and two additional floors beyond the sanctioned building plan had been constructed, directed the municipal authority to immediately proceed and secure compliance of the demolition order dated 20th November, 2024 unless such order had been stayed, as the same was a major deviation. The Municipality was also directed to file an updated report

3. Records reveal that in the interregnum a writ petition was filed by one Md. Wasim challenging the above order dated 14th January, 2026 passed by the Executive Engineer (Civil), Building Department, Kolkata Municipal Corporation under Section 544 and 546 of the Kolkata Municipal Corporation Act 1980 (hereinafter referred to as “the said Act”) which had been issued for carrying out the demolition work in terms of the order dated 20th November, 2024. The Court noting the peculiar facts by order dated 20th January, 2026 had directed both the

petitions to be taken up for consideration together.

4. The Municipality had since filed a report on 21st January, 2026 and had contended that a portion of the unauthorized construction had already been demolished. According to the above report, the Municipality could not complete the demolition work of the other portion as the above building remained occupied. The report however, did not identify whether the splayed corners had been cleared. It is in those facts, this court had directed the Municipality to ensure that the demolition work is carried out, to file a fresh report and indicate the current status of the building with photographs of the portion which had been demolish.
5. The municipality is yet to enlighten this Court as regards the steps taken by the Municipality. In the meantime the petitioner in WPA 1139 of 2026 through his advocate Mr. Gupta would submit that the said petitioners had already demolished construction on the splayed corner which had been subsumed. In support of his contention certain photographs have been disclosed, let such photographs be taken on record.
6. The State has also filed a report in the matter, let such report be also taken on record.
7. Having heard the learned advocates appearing of the respective parties, I am of the view, that the

Municipality should immediately take steps and carry out a fresh inspection and ascertain whether this splayed corner portions which had earlier been subsumed has been cleared. The Municipality must ensure that the order of demolition dated 20th November 2024 is implemented unless the same is otherwise stayed and/or set aside, on an expeditious basis.

8. Accordingly, the Municipality is directed to file the updated report including the status of splayed portion before the learned Registrar General of this Court within a period of four weeks from date.
9. Once such report is filed, the same shall be tagged with the file.
10. With the above directions, the writ petitions stand disposed of.

Urgent photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)