

27.01.2026
Ct. 3
Item No.
AD 18
Saswata

WPA 1422 of 2026
Ravi Kausik @ Ravi Kaushik
Versus
State of West Bengal & Ors.

Mr. Satarup Purukayashta
Mr. Abhishek Chakraborty

...for the petitioner

Mr. Sekhar Mustafi
Ms. Rupannita Laha

...For the State

Ms. Sonal Sinha
Mr. Sundar Gopal Bhattacharya

...For the KMC

1. Being aggrieved by the steps taken by the municipality in demolishing the additional floor constructed by the petitioner, the instant writ petition has been filed.

2. The learned advocate appearing for the petitioner submits that after constructing the building upto the fourth floor, the petitioner had applied for grant of sanction of the additional floor. The additional floor being the fifth floor was constructed in anticipation that the revised building plan shall be sanctioned. The municipal authority had, however, issued a notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the "said Act") which was followed by a compliant under Section 401A of the said Act.

3. According to the petitioner, a criminal proceeding is pending adjudication and a charge sheet has also been filed. It is submitted that since an application has already been filed by the petitioner for sanction of the fifth floor, the municipal authority ought not to have demolished the fifth floor.

4. Learned advocate appearing for the municipal authorities would submit that since the petitioner was continuing with illegal construction despite issuance of notice under Section 401 of the said Act, not only a complaint was lodged with the police authorities under Section 401A of the said Act but also an order under Section 400(8) of the said Act was passed and accordingly the municipal authority had demolished a portion of the fifth floor on 8th January 2026, and subsequently on 10th January 2026. There is no irregularity in that regard.

5. After arguing the matter for some time, since learned advocate appearing for the petitioner would submit that the petitioner does not wish to proceed with the instant writ petition, let the writ petition be dismissed as withdrawn.

6. Dismissal of the writ petition shall not interfere with the rights of the municipal authorities to complete the demolition work. Accordingly, the municipal authority is directed to complete the demolition work and file a detailed report before the Learned Registrar General of this Court within a period of 4 weeks from the date of communication of this order. The report must include detailed photograph of the demolished portion.

(Raja Basu Chowdhury, J.)