

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2160 of 2024

Farida Begum
Versus
The State of West Bengal & Ors.

Mr. Debapriya Majumder
... For the petitioner

Ms. Sonal Sinha
Ms. Manisha Nath
... For Kolkata Municipal Corporation

1. Alleging illegal construction at premises No. B/4/H/5/1 Convent Lane, Police Station – Entally, Kolkata – 700 015 previously known as (4/48, Convent Lane) and the failure on the part of the municipal authorities to take steps, the present writ petition has been filed. Since then the matter has been heard from time to time and by order dated 3rd February, 2026, this Court was, inter alia, pleased to direct as follows:

“1. Affidavits filed on behalf of the respondent nos. 3 and 4 are taken into consideration.

2. From the aforesaid affidavits, it would transpire that only on 13th January, 2026 an inspection has been carried out. From the affidavits it would also transpire that a three storied RCC frame structure is standing at premises no. B/4/H/5/1 Convent Lane, Police Station – Entally, Kolkata – 700 015. The same also records that the premises in question is found in the same status as that was detected during imposition of notice under Section 400(1) of the Kolkata Municipal Corporation Act, 1980. However, at this stage, since the learned advocate for the petitioner would

submit that construction at the locale is continuing, I am of the view that a further inspection should be carried out by the respondent no.6 within a period of seven days from date, upon notice and in presence of the petitioner, and file a detailed report with coloured photographs of the site in question including the front elevation thereof.

3. Let such report be filed on or before the matter is taken up next.

4. In view thereof, let this matter stand over and appear under the same heading on 10th March, 2026.

5. The State is directed to ensure that no construction takes place at the locale until further order of this Court.”

2. Pursuant to the aforesaid order, the municipality has filed a report. Ms. Nath, learned advocate representing the municipality would submit that the above construction as noted in the report at the above premises is completely illegal without having any sanction from the municipal authorities. Accordingly, municipal authorities have already taken steps and initiated proceeding under Section 400(1) of the KMC Act, 1980 (hereinafter referred to as the said Act).
3. The report further records that the premises-in-question is in vacant condition and all further construction has stopped.
4. Considering the above, I am of the view, till such time, the decision is taken by the municipal authorities, in relation to the proceedings initiated under the said Act, both the municipal authorities and local police station shall ensure that the premises in question remains in a vacant condition and no further construction is carried out. The proceeding initiated by the municipal

authorities as aforesaid should be brought to a logical conclusion as expeditiously as possible preferably within a period of 4 weeks from the date of communication of this order. The construction that is standing in the above premises, shall abide by the result of the decision to be taken by the municipal authorities in the above proceeding.

5. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)