

09. 23.03.2026.
Court No.03.
(Pritam)

WPA 5867 of 2025.

Sukumar Pyne & Ors.

-Vs.-

State of West Bengal & Ors.

Mr. Rachit Lakhmani,
Mr. Tirthankar Murmu,
Mr. Arka Naha,
Mr. Arani Bhattacharyaa,
Mr. Iman Dey Tapader.

.....for the petitioners.

Mr. Achintya Banerjee,
Ms. Paushali Banerjee.

.....for the KMC.

1. Today, the respondent no.4 has filed a report in the form of an affidavit, which is taken on record.
2. From the aforesaid affidavit, it would transpire that though the matter was assigned to him, the same did not reach him before 26th February, 2026 and as such, the delay in affording instruction, which is entirely unintentional.
3. Having thus, noted the explanation provided, which appears to be adequate and since it is submitted that a stop-work notice under Section 401 of the KMC Act, 1980 (hereinafter referred to as the "said Act") has already been issued on the persons responsible namely Sisir Roy & Shashi Roy on 1st August, 2022 concerning

the illegal and unauthorized construction at 8/1 Onrait, 2nd Lane, Ward No.55, Borough - VI, Kolkata and a proceeding has also been initiated which is currently pending before the Special Officer (Building) under Section 400(1) of the said Act, I am of the view that no fruitful purpose will be served in keeping the writ petition pending.

4. The writ petition stand disposed of with a direction upon the Special Officer (Building) to conclude the proceeding as expeditiously as possible preferably within a period of 8 weeks from the date of communication of this order.
5. It is made clear that if a proceeding has already been completed, the same shall be intimated to the petitioner. However, if the proceedings have not been completed since the petitioners have also made complaint, the complaint of the petitioner shall be considered by the Special Officer (Building) while deciding the same.
6. Alternatively, if the Special Officer (Building) is of the view that the complaint of the petitioners cannot be included in the proceeding already initiated or if the proceedings have already been concluded without touching the complaint of the petitioners, considering the nature and seriousness of the complaint, appropriate proceedings shall be initiated in respect of the complaint lodged by the petitioners and the same

shall be brought to a logical conclusion within 8 weeks from the date of communication of the order.

7. Further noting that the notice under Section 401(A) of the Said Act has been issued by the municipality as appearing at page 39 of the writ petition, the Officer-in-Charge, Entally Police Station is directed to take immediate steps as regards such complaint and proceed against the persons named in such communication.
8. The Officer-in-Charge, Entally Police Station shall file a status report upon completion of the investigation with the Registrar General of this Court in a sealed cover and once, such report is filed, the same shall be tagged with the file. If an investigation has already been concluded, the same also be disclosed in the report to be filed before the learned Registrar General in the manner directed above.
9. With the aforesaid observations and directions, the instant writ petition is disposed of.
10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Raja Basu Chowdhury, J.)