

22.06.2026
Sl. No. 15
Ct No. 3
tkm

WPA 11256 of 2026

**Md. Nisar Ahmed & Ors.
Vs
State of West Bengal & Ors.**

Mr. Debashis Banerjee
Mr. Prasun Dutta
Mr. Nazir Ahamed
Mr. Rakesh Jana
... for the petitioners

Mr. Sonam Mukherjee
Ms. Sneha Chatterjee
...for the State

Mr. Joydeep Kar, Sr. Adv.
Mr. Nilotpal Chatterjee
Ms. Piyali Sengupta
Ms. T Dasgupta
...for the KMC

1. The present writ petition has been filed by the petitioners claiming to be the residents of premises no. 50/1/D/1, Golam Jilani Khan Road, P.S-Tiljala, Kolkata -700039 (hereinafter referred to as the 'said premises') complaining over-action on the part of the municipal authorities.

2. On 15th May 2026 this court having regard to the case made out and noting that the municipal authorities without issuing any notice under section 400(1) and 412(2) of the KMC Act 1980 and also taking note of the directions of the Hon'ble Supreme Court in the case of ***M.C Mehta (Calcutta Tanneries' Matter) Vs. Union of India*** reported in ***(1997) 2 SCC 411*** wherein it has been specifically held that after 30th

September 1997, no tanneries can be permitted to function from the aforesaid area where the factory premises of the petitioners is situated and also noting at that stage no authorization from the Pollution Control Board, fire authorities and other statutory authorities having been disclosed was, inter alia pleased to pass an order of status quo and at the same time also restrained the petitioners from making any improvement and/or restoration of the building to its original position. It was also made clear that if any portion of the building has already become dangerous, the municipal authorities in consultation with the petitioners shall remove such dangerous portion.

3. Since then, the petitioners had approached this court during the Vacation Bench by filing an application being CAN 1 of 2026 inter alia, seeking permission to enter into the aforesaid premises for the limited purpose of identifying and removing movable articles, belongings, records, machinery, export consignments and materials lying therein.

4. Record reveals that upon hearing the said application and the learned advocates for the respective parties, a Co-ordinate Bench of this court by an order dated 29th May, 2026 was pleased to dispose of the said application by directing the investigating officer under the supervision of the superior officers to

consider the prayer of the petitioners as per letter dated 18th May, 2026.

5. Learned advocate for the petitioners submits that the petitioners have been able to seek return of some of the items.

6. Mr. Kar, learned senior advocate representing the municipality has placed before this court a report dated 22nd June, 2026 duly countersigned by the Executive Engineer (Building) Br.VII and submits that a proceeding has been initiated and a hearing has already been fixed in connection with notice issued under section 400(1) of the KMC Act, 1980.

7. Having heard learned advocate appearing for the respective parties and being conscious of the prevailing circumstances including the unnatural death of the two workers engaged by the petitioners and the injunction order passed on 15th May, 2026 restraining the petitioners from running any business from the said premises, I am of the view since the proceedings are now pending before the municipality it would be prudent, at this stage to direct the municipality to take a decision in the matter. For the time being till such a decision is taken by the municipality and the Special Officer (Building) KMC, the petitioners shall not carry out any business from the said premises. The order of status quo shall

continue till the final decision is taken by the municipality. Considering the peculiar circumstances, I am of the view that the municipality must conclude the proceeding on expeditious basis preferably within six weeks from the date of communication of this order.

8. With the above observations, the present writ petition is disposed of.

(Raja Basu Chowdhury, J.)