

25.02.2026
sayandeep
Sl. No. 09
Ct. No. 03

WPA 12529 of 2024

Rakesh Prasad Shaw
Vs.
The KMC & ors.

Mr. Sukanta Das
Mr. Asif Hussain
Mr. Jyoti Singh
Mr. Rakesh P Shaw

..... for the petitioner

Mr. Barin Banerjee
Mrs. Sima Chakraborty
Mr. Fazlul Haque

.... For the KMC

Md. Farhaouddin

..... for the State

1. The affidavit-of-service filed in Court today be taken on record. Despite service, the private respondent is not represented.
2. Complaining illegal construction at premises No. 2 Munshigunge road, Kolkata, ward No. 75 and the failure on the part of the municipality to take steps on the basis of the complaint made by the petitioner, the instant writ petition has been filed.
3. Mr. Hussain, learned advocate representing the petitioner would submit that initially although the municipality while acting on the basis of the complaint made by the petitioner had taken steps and had issued a stop work notice and has also provided such intimation to the police authority as would corroborate from the copy of the notice dated 21st

May, 2024 which the petitioner has been able to obtain from the police authorities, no further steps appears to have been taken by the municipality. Let a copy of the aforesaid document dated 21st May, 2024 as placed before this Court be taken on record.

4. Mr. Hussain, further submits that the notice under Section 401 has been served on the owners notwithstanding the aforesaid construction being carried out at the behest of the tenants of the property in question.
5. The municipality is represented. It is submitted that the municipality has already taken steps in the matter. However, further steps are awaited.
6. Learned advocate representing the State is present. He submits that the police authorities had also notified the municipality on multiple occasions that an illegal construction is being carried out at the above premises. Notwithstanding the same, the municipality has failed to take any steps. Let a copy of the instructions as placed before this Court by the learned advocate representing the State be taken on record.
7. Having heard the learned advocates appearing for the respective parties and having considered the materials on record, it would, prima facie, transpire that an illegal construction has been noted by the municipal authority to have commenced at premises No. 2 Munshigunge Road Kolkata within ward No. 75. The municipal authorities, however, apart from issuing

the notice under Section 401 did not take any steps at least no document has been placed before this Court to demonstrate any further steps have been taken by the municipal authorities. In the light of the above, I am of the view that the municipal authorities should immediately proceed with matter and arrest the illegal construction. In this regard, the municipal authorities are directed to forthwith carry out an inspection upon notice to the parties and the inspection report must be circulated to the parties. The inspection report must include photographs of the structure which is alleged to be unauthorized.

8. If the municipality finds that notwithstanding issuance of notice under Section 401, further construction has been carried out consequential steps must be taken by the municipality.
9. It is expected that the municipal authorities shall take steps as directed above as expeditiously as possible preferably within a period of 6 weeks from the date of communication of this order.
10. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)