

18.06.2026
Court No. 12
Item No. 02
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 948 of 2026
I.A. No : CAN 1 of 2026
CAN 2 of 2026

Saifuddin Kazi & Anr.

Vs.

**Ataur Rahman, Executive Engineer, Borough –
XV, Kolkata Municipal Corporation & Anr.**

Mr. Sourav Sen, Sr. Adv.,
Ms. Aatrayi Basu Mallick,
Ms. A. Chakraborty,
Ms. Ananya Mondal

.....for the appellants.

Mr. Alak Kr. Ghosh,
Mr. Swapan Kr. Debnath,
Ms. Manisha Nath

....for the K.M.C.

- 1) The order impugned dated May 07, 2026 was passed in a contempt application, by a learned single Judge, for non-compliance of the order passed in W.P.A. 985 of 2024.
- 2) Her Lordship had initially directed the Corporation to take steps in respect of an allegation of the unauthorized construction of the appellants. As the Corporation did not comply with the order, contempt proceeding was drawn up by the person who had raised a complaint in respect of such unauthorized construction.
- 3) Her Lordship relied on certain reports filed by the Executive Engineer (C), Building Department, Borough – XV, Kolkata Municipal Corporation dated April 17, 2026, which

mentions that the department had inspected the construction and had found that a five-storied building had been constructed without a plan. Her Lordship directed the Corporation to take immediate steps. The other observations, are not the subject matter of this proceeding.

4) We do not find any illegality with the order. Unauthorized construction cannot be allowed to stand. The appellants pray for sometime to vacate the premises and submit that the Corporation has already commenced demolition.

5) We have considered the submissions.

6) The observation against the authorities and the directions passed are not gone into. We record that the order of Her Lordship was implemented but in view of the submissions of Mr. Sen, learned senior advocate, the demolition work shall remain stayed up to August 15, 2026, so that the appellants can vacate the premises.

7) If there is any further obstacle in the way of the Corporation in the process of demolition after August 15, 2026, the Corporation shall not step back from the demolition work and complete the process with the assistance of the police. An undertaking by the appellants to vacate the premises within August 15, 2026, shall be filed before the learned Registrar General, High Court at Calcutta within June 23, 2026. A copy shall be furnished before the Corporation.

8) Accordingly, the appeal and the connected applications are disposed of.

9) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)