

**20.01.2026**  
**sayandeep**  
Sl. No. 02  
Ct. No. 03

**WPA 13438 of 2025**

Sri Ramkaran Nonia  
Vs.  
State of West Bengal & ors.

Mr. Purbangshu Chnadra Mitra  
Ms. Piyali Mitra  
Ms. Mahasweta Mukherjee  
Mrs. Rantika Gayen  
Mr. Rajdeep Mukherjee  
Mr. Somnath Mal

.... for the petitioner

Mr. Srijan Nayak  
Mr. Atish Kumar Biswas  
Mr. Debjit Mukherjee  
Ms. Priyanka Jana

.... For the KMC

Ms. Jayeeta Sinha  
Mr. Sandip Mandal

.... For the State

Mr. Kajal Ray

..... for the respondent Nos. 6-7

1. The present writ petition has been filed, inter alia, praying for a direction upon the respondent Nos. 1 to 4 to take steps and/or initiate demolition proceedings concerning unauthorized construction at premises No. 12/1 Olai Chandi Road, P.S. Tala, Kolkata 700037. The petitioner claims that certain unknown persons including the respondent Nos. 6 and 7 are attempting to encroach upon the petitioner's property who are illegal occupiers. According to the petitioner, the aforesaid persons through their men and agents had started illegal construction.

2. The respondent Nos. 5 and 6 as also the Mayor, and the KMC are represented through advocates.
3. The municipality has filed a report wherefrom it would transpire that the municipality has been able to ascertain that there are several single storied RT/ Tin Shed structures which exist at premises No. 12/1 Olai Chandi Road ward No. 5, Borough-I, which according to the report, are old. The report also makes a caveat that the municipality has not been able to identify the age of the structures.
4. Prima facie, upon going through the aforesaid document, it transpires that the structures are all temporary since they have been described as single stories RT/tin shed structure. The respondent Nos. 5 and 6 who are represented in Court today would submit that it is the petitioner who had inducted the respondent Nos. 5 and 6 in the property in question. They are occupying the same as tenants. In support thereof, not only Adhar Card but also the challan duly issued by the office of the rent controller dated 19<sup>th</sup> July, 2025 has been enclosed. Upon going through the challan, it would transpire that the challan is only in respect of one room with common bath, privy on the ground floor at premises No. 12/2 Olai Chandi Road Kolkata 700037 which do not concern premises No. 12/1 Oali Chandi Road wherein the municipality has carried out inspection.

5. Having regard thereto, I am of the view, the municipal authorities must carry out an inspection at the premises in question and find out whether any illegal construction is being carried out. The municipal authorities should also decide on the complaint made by the petitioner by giving an opportunity of hearing to the interested parties. If, on the basis of such enquiry, it is noted that any illegal construction has taken place at premises No. 12/1 Olai Chandi Road, Ward No. V, Borough I, Kolkata, in such event, appropriate steps under Section 400 of the KMC Act shall be initiated.
6. On the contrary, if it is noted that no illegal construction has taken place, the matter need not be proceeded further. Be placed on record that the inspection report to be prepared by the respondent No. 4 and should include a sketch map of the property in question and the photographs thereof. The inspection report should be supplied to the parties and the parties should be granted opportunity to respond to the same at the time of hearing. The entire exercise in this regard must be completed by the municipal authorities within a period of 8 weeks from date of the communication of this order.
7. Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

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

**(Raja Basu Chowdhury, J.)**