

16.02.2026
Ct. 3
AD 2
Saswata

WPA 18696 of 2025
Mohammad Sajjad Khan
Versus
Kolkata Municipal Corporation & Ors.

Mr. Alvina Bakhteyar	...For the petitioner
Mr. Vimal Kr. Sahi, Ld. AGP	
Ms. Susmita Chatterjee	...For the KMC
Mr. Jyoti Praksh Chatterjee	
Mr. Javeel K. Sanwarwala	...For the State
Mr. Shariq A. Sanwarwala	
	...For the Intervenor

1. In terms of the order dated 25th September 2025 the Executive Engineer (Civil), Building Department, Borough – VI, Kolkata Municipal Corporation has filed a report this day, indicating that the department has carried out an inspection at premises no. 8, Bansi Dutta Road, ward no. 61 Kolkata – 700014. During inspection it was observed that there is a three storied residential building and the work is going on the fourth floor over the existing third floor of the building. The municipality, after tallying with the records had been able to ascertain that a plan was accorded for construction of a prayer room on the fourth storey over the existing three storied building. However, after tallying the file with the sanctioned building plan, it was observed that the person responsible had constructed RCC structure at the fourth story in deviation from the sanctioned plan. Following the above a stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the “said Act”) dated 12th November 2024 was issued and

the intimation thereof was also forwarded to the police authorities. According to the report, notwithstanding the aforesaid notice, the person responsible had continued with the unauthorized construction defying the stop work notice. Subsequently, the department has prepared demolition sketch plan along with infringement statement and the matter has been placed before the appropriate authority under Section 400 of the said Act. The matter is under process for being placed before the Special Officer (Building) for hearing.

2. Having regard to the aforesaid and noting that the petitioner is no longer interested to proceed with the petition, I am of the view that no further order need to be passed in the writ petition save and except the disposal of the above writ petition shall not interfere with the rights of the municipality to proceed with the process already initiated by them under Section 400 of the said Act. It is expected that the entire process initiated by the municipality shall be brought to a logical conclusion as expeditiously as possible preferably within a period of 16 weeks from the date of communication of this order.

3. With the above observation and direction, the writ petition along with its connected application being CAN 1 of 2025 is accordingly disposed of.

(Raja Basu Chowdhury, J.)