

06. 29.01.2026.
Court No.03.

(Pritam)

WPA 23384 of 2025.

Rashmoni Devi Shaw.

-Vs.-

Kolkata Municipal Corporation & Ors.

Mr. Abhra Mukherjee,
Mr. Bishwambhar Jha,
Mr. Sauradeep Dutta,
Mr. Arpayan Mukherjee,
Ms. Munmun Mishra,
Mr. Himadree Ghosh.

.....for the petitioner.

Mr. Benazir Ahmed,
Ms. Priyanka Jana.

.....for the State.

Mr. Debjit Mukherjee,
Ms. P. Jana.

....for the KMC.

1. Affidavit-of-service filed in Court today is taken on record.
2. Report filed on behalf of the Kolkata Municipal Corporation (KMC) is also taken on record.
3. The present writ petition has been filed, *inter alia*, praying for a direction upon the municipal authorities to demolish the unauthorized construction at premises No.B/5/H/23, Bhukoilash Road, Ward No.78, Borough-IX, Kolkata-700023.
4. According to the petitioner, though a complaint was lodged before the municipal authorities, the municipal authorities apart from issuing notices under Section

401 and 401A of the said Act has not taken any further steps.

5. According to the learned advocate for the petitioner, a perusal of the aforesaid notice appearing at page 27 of the writ petition issued by the Assistant Engineer (C) (Building), Br.-IX, addressed to the Officer-in-Charge, Ekbalpur Police Station would demonstrate that the entire construction work, including the addition or alteration is in deviation of the sanctioned building plan.
6. Mr. Mukherjee, learned advocate for the municipality would submit that though there is a sanctioned building plan for construction of a 4-storied building vide sanction dated 20th December, 2024, an additional floor has been constructed and a notice under Section 401 and a proceeding under Section 400 of the KMC Act, 1980 (hereinafter referred to as the “said Act”), has already been initiated. He however could not enlighten this Court as to the exact status of the proceeding initiated under Section 400 of the said Act.
7. Considering the fact that there has been a deviation in the form of raising an additional floor, I am of the view that the proceedings initiated by the municipality must come to a logical conclusion as expeditiously as possible, preferably within a period of 4 weeks from the date of communication of this order.

8. The municipality must ensure that no further illegal construction is carried out at the premises in question.
9. With the above observations and directions, the instant writ petition stands disposed of.

(Raja Basu Chowdhury, J.)