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22.06.2026
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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 24820 of 2024

Sunil Mondal
Versus
Kolkata Municipal Corporation & Ors.

Mr. Lalit Mohan Mahata
Mr. Shamik Chatterjee
Mr. Aditya Bikram Mahata
Mr. Jyotiraditya Mondal
Mr. Sahil J Kabir
Mr. Anirban Das

... For the petitioner.

Mr. Alok Kumar Ghosh
Mr. Atish Kumar Biswas
Ms. Gulnaz Quraishi
...For Kolkata Municipal Corporation.

Mr. Sovan Mukherjee
Ms. Sneha Chatterjee
... For the State.

Mr. Dipankar Mondal
Mr. Abdul Aziz Mondal
... For the respondent nos. 7 to 10

1. Pursuant to the order dated 12th May, 2026, the municipality has filed a report, which is taken on record. Let a copy of the report as filed before this Court be circulated to the parties.
2. The writ petition was filed alleging inaction on the part of the municipal authority. When this matter was taken up for consideration on 12th May, 2026, this Court was pleased to pass the following order:-

“1. The instant writ petition has been filed complaining inaction on the part of the municipal authorities.

2. *It is utterly shocking, that the learned advocate for the municipality would submit that though this Court by an order dated 26th July, 2016 in WP 3725(W) of 2016 directed the municipality to initiate proceeding for demolition of unauthorized construction made by the private respondents and despite the municipality having initiated the same and as would morefully corroborate from the documents appearing at pages 34 to 37 of the writ petition, subsequently due to Covid such proceeding and the file has vanished in thin air without any outcome.*

3. *Having regard to the disclosure made in Court, I am of the view that the respondent no.3 should file a report in the form of an affidavit before this Court and explain the circumstances under which no steps have been taken to conclude the proceeding initiated in furtherance to the order dated 26th July, 2016.*

4. *Let such report be filed when the matter is taken up next.*

5. *List this matter under the heading “Upgraded Motion” on 22nd June, 2026”.*

3. From the report filed by the municipality, it would transpire that a final order has now been passed by the Special Officer (Building) on 19th June, 2026. Though belatedly, in the final order it has been declared that there has been unauthorized construction and accordingly the

person responsible has been directed to remove the structure which has been erected without sanction, within 60 days.

4. The private respondents are represented in Court. While responding to a query from the Court learned advocate representing the private respondents would submit that the private respondents are in occupation of the property by claiming the right of adverse possession. There is, however, no sanctioned building plan in respect of the above property.

5. Having regard to the above and noting that the municipality has disposed of the proceedings by passing a final order, I am of the view that the municipality must ensure compliance of such order in accordance with law, unless there is any impediment later in implementing the same.

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

Urgent photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)