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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 25967 of 2025

Md. Aurangjeb
Versus
The Municipal Commissioner, Building Department, Borough-IV. Kolkata Municipal Corporation & Ors.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
... For the KMC

Mr. Billwadal Bhattacharyya, Ld. AAG,
Mr. Sukanta Ghosh
Mr. Arghya Chatterjee
... For the State.

1. On 19th August, 2026, this Court was pleased to pass the following order:-

1. *"Pursuant to the order dated 29th July, 2026, the Officer-in-Charge Narkeldanga Police Station, namely, Subhankar Sarkar, is personally present in Court and a report duly affirmed on 18th August, 2026 has also been filed. Let the same be taken on record.*

2. Learned Additional Advocate General has drawn attention of this Court to paragraph 11 of the report and would submit that the police authorities have duly rendered assistance to the municipal authorities for the demolition programme, which was carried out on 17th and 18th August, 2026, pursuant to the requisition issued by the municipal

authorities on 17th August, 2026 in respect of 17/H/2/9, Canal West Road, Kolkata – 700009.

3. Learned Additional Advocate General has also drawn the attention of this Court to the communication dated 17th August, 2026, appearing at page 9 of the report, to contend that the municipal authorities have duly acknowledged the assistance put forth by the police authorities. He submits that the police authorities are actively rendering assistance and are acting in tandem with the municipal authorities to remove the illegal construction which has become a social evil.

4. Learned advocate for the municipality would submit that the municipal authorities have been able to get the topmost floor of the building in question vacated with the help of the police authorities. The rest of the portions of the building still remains occupied and unless the police authorities take appropriate steps, the municipal authorities shall not be in a position to execute the demolition order.

5. Having heard the learned advocates appearing for the respective parties, I am of the view that the developer, being the respondent no.6, who is represented in Court should also take active steps to ensure that the occupiers vacate the premises in question.

6. The police authorities shall be at liberty to take steps and measures as may be necessary in accordance with law on the requisitions of the municipal authorities. The police authorities shall also provide adequate assistance, on lawful requisition for ensuring that the building in question is vacated and no harm is caused in the process to any of the persons who are staying in and around the locality

7. The personal appearance of the Officer-in-Charge, Narkeldanga Police Station stands dispensed with for the time being on his undertaking to be present as and when directed.

8. The municipality is directed to file an up-to-date report as regards the demolition carried out when the matter is taken up next.

9. The police authorities shall be at liberty to deal with the developer in accordance with law. On the returnable date the Officer-in-Charge of the jurisdictional police station shall file a report and highlight the steps taken in connection with Narkeldanga P.S. Case No.198 dated 24th May, 2023 under Section 401(A) of the Kolkata Municipal Corporation Act, 1980.

10. List this matter in the Combined Monthly List of October, 2026."

2. Pursuant to the aforesaid direction, the learned Additional Advocate General has filed a report.

3. Let a copy of the aforesaid report be taken on record.

4. From the aforesaid report it would transpire that the municipality has been able to carry out demolition at the locale with the assistance of the police authorities. The police authorities appears to be now rendering assistance to the municipality to carry out the demolition programme.

5. Insofar as proceedings initiated under Section 401A of the Kolkata Municipal Corporation Act, 1980 is concerned, the report records that the accused person has been enlarged on bail. The report further records that in course of investigation, requisition was sent to Executive Engineer, Borough IV, Kolkata Municipal Corporation to cause joint inspection in respect of the premises in question and to opine about the same so that the investigation of the case can be concluded.

6. In my view, there is no further requirement of any joint inspection to identify the illegal construction. The municipality has already carried out an inspection and on the basis thereof, the demolition order has been passed. The proceedings under Section 401A are in relation to the person responsible i.e., acting de hors the stop work notice. If the police authorities are interested to inspect the premises to enquire into the complaint, they are at liberty to do so and for such purpose the joint inspection can be carried out. The municipality is directed to cooperate.

7. Accordingly, the police authorities are directed to conclude the investigation on an expeditious basis.

8. Since the matter has now progressed, in my view, no useful purpose will be served in retaining the matter in the file. Accordingly, the writ petition is disposed of with a direction upon the municipality to file a report before the learned Registrar General of this Court once the demolition is complete. The report must include photographs of the portion which has been demolished. As and when the above report is filed, the same shall be tagged with the file.

9. It is expected that the municipality shall conclude the demolition programme as expeditiously as possible, preferably within a period of ten weeks from the date of communication of this order. The State must continue to render assistance to the municipality.

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.)