

07. 14.01.2026.
Court No.03.
(Pritam)

WPA 25854 of 2025.

Md. Aslam.

-Vs.-

Kolkata Municipal Corporation & Ors.

Mr. Anindya Bose,
Ms. Priya Sagar,
Mr. Mridul Biswas,
Ms. Raina Das.

.....for the petitioner.

Mr. Vimal Kr. Shahi, Ld. AGP.

.....for the KMC.

Mr. Anirban Ray, Sr. Adv.,
Mr. M. Shehabuddin,
Mr. Arjun Ray.

.....for the respondent no.5.

1. The instant writ petition pertains to a complaint regarding unauthorized 3-storied construction raised on the premises No.B/82/1/H/2, Tiljala Road, Ward No.65, Kolkata – 700046, Borough – VII. The petitioner would complain that the entire construction at the aforesaid property (hereinafter referred to as the “said property”) is unauthorized and illegal and despite making complaints in this regard, no appropriate steps have been taken by the Kolkata Municipal Corporation, excepting issuing the notice dated 20th January, 2026.

2. It appears that this matter has a chequered history. A previous writ petition was filed before this Court by the writ petitioner herein alleging illegal and unauthorized construction at premises No. B/82/1/H/2, Tiljala Road, P.S.-Karaya, Kolkata 700046. Such writ petition was registered as WPA 16460 of 2023. A Co-ordinate Bench of this Court by an order dated 12th December, 2023 was, inter alia, pleased to dispose of the same by directing the Executive Engineer/(Civil)/ Building, Borough VII to consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner within a period of three months from the date of communication of a copy of the order. It was further directed that the respondents shall after passing the order communicate the same to the necessary parties including the petitioner. Since the respondents did not comply with the above direction, a contempt application was moved which was registered as CPAN 1472 of 2024. While the contempt application was pending the order impugned was passed. Once, such order was placed before this Court, the Court did not proceed further with the contempt though leaving it open to the petitioner to challenge such order before

the competent forum in accordance with law if so advised.

3. When the matter came up for consideration on 18th December, 2025, this Court upon hearing the parties and by overruling the objection as to the entertainability of the writ petition had directed the corporation to produce the records before this Court by noting the submissions made by the learned advocate for the KMC that no reconstruction plan is available on the file of the KMC in respect of premises in question.
4. Today, the KMC has produced the records and also a report prepared by the Executive Engineer (C), Building, Borough -VII. From the aforesaid report, it would transpire that the premises in question is a recorded *tikha* tenanted property and the documents received from the Assessment Department in the year 2006-2007 would indicate the presence of a large high shed and two-storied structure.
5. The report further records that during the recent inspection conducted by the department, a 3-storied structure was found to be in existence at this site. Since, the aforesaid would demonstrate that there has been an unauthorized construction at the above premises, which is in clear violation of the KMC Building Rules, the department has assured the Court that upon completion of procedural formalities,

necessary and expeditious steps shall be taken to initiate and carry out demolition proceedings in respect of the unauthorized construction at premises in question.

6. In the light of the above observations made by the Executive Engineer (C), Building, Borough – VII in the report dated 14th January, 2026, the KMC is directed to initiate proceedings under Section 400 of the KMC Act, 1980 within a period of 2 weeks from the date of communication of this order and to take a decision thereon within 8 weeks thereafter.
7. It is made clear that this Court has not decided on the merits of the case and it shall be open to the parties to place their respective cases.
8. Although, at this stage, Mr. Ray, learned counsel appearing for the respondent no.5 would insist that this Court should grant liberty to the petitioner to rely on the previous report dated 22nd July, 2025, I am of the view that in light of the subsequent disclosure made by the KMC and since the respondent no.5 has not been able to place any reconstruction plan before this Court, as noted in the report dated 22nd July 2025, there is no scope to rely on the previous report.
9. This order shall, however, not interfere with the rights of the respondent no.5 to produce the rebuilding plan before the KMC, if so advised.

10. With the above observations and directions, the instant writ petition stands disposed of.
11. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Hon'ble Court.

(Raja Basu Chowdhury, J.)