

WPA 26847 of 2025

Md. Saiful Islam
Versus
The KMC & Ors.

Mr. Avirup Chatterjee
Mr. Rishov Das

... For the petitioner

Mr. Srijan Nayak
Mr. Dwijadas Chakraborty

.... For the KMC

1. The affidavit-of-service filed in Court today is taken on record.
2. By the above writ petition, the petitioner in effect seeks compliance of the order dated 25th January, 2023 passed in WPA 18952 of 2021. Records would reveal that complaining unauthorized, illegal construction at the instance of the private respondent at premise No. 187/8 Banku Behari Chatterjee Road (formerly Kasba), under Borough 10, Ward No. 91 of the KMC, the said writ application had been filed.
3. By the above order while disposing of the writ petition, the Court had directed the executive Engineer building borough X to consider and disposed of the representation made by the petitioner strictly in accordance with law. According to the petitioner, the municipality

choose not to take any steps in furtherance to the aforesaid order.

4. Having regard to the above and though Mr. Nayak learned advocate representing the municipality would submit that he is yet to receive instructions in the matter, I am of the view that the matter can be disposed of by directing the municipality to take steps and act in terms of the order dated 25th January, 2023 unless steps have already been taken by the municipality and a decision in this regard has already been communicated to the petitioner.
5. It is made clear that if the proceeding has been disposed of, the petitioner must be communicated on the same. On the contrary, if no proceedings have still been initiated, the concerned executive engineer (building) shall initiate proceedings as directed within a period of 2 weeks from the date of communication of this order and dispose of the same in terms of the order dated 25th January, 2023 within 4 weeks thereafter.
6. With the above observations and directions, the writ petition is disposed of.
7. It is also made clear that this Court has not entered into the merits and as such the concerned executive engineer shall carry out the above direction being uninfluenced by any of the observations made herein.

8. Since no affidavit-in-opposition has been called for, the allegations made in the writ petition, are deemed not to have been admitted by the respondents.

(Raja Basu Chowdhury, J.)