

03. 05.03.2026.
Court No.03.
(Pritam)
(M/L)

WPA 29010 of 2025.

Md. Perwez Alam.

-Vs.-

State of West Bengal & Ors.

Ms. Dibyanjona Das,
Mr. Shiprovon Kr. Seal.

.....for the petitioner.

Mr. Mihir Kundu.

....for the State.

Mr. Nilotpall Chatterjee,
Ms. Manisha Nath.

.....for the KMC.

1. Today, Ms. Nath, learned advocate representing the Kolkata Municipal Corporation (KMC) would submit that in terms of the order dated 27th January, 2026, an inspection has been carried out at premises no.70, Hare Krishna Konar Road, Police Station – Beniapukur, Kolkata – 700 014 though the report as directed has not been filed.
2. On the basis of the instructions available with her today, there are illegal constructions and the old building, which was required to be demolished prior to undertaking the construction of the new building, in terms of the sanctioned building plan has not been demolished in its entirety. As such the mandatory open spaces have not been left open. She, however, submits

that the report is in the process of being prepared and the same shall be filed on the returnable date and prays for an accommodation.

3. Having heard the learned advocates for the respective parties and from the submissions made on behalf of the KMC it is clear that the KMC has been able to identify the illegal construction at the above premises. As such without waiting for the report, I am of the view that it would be prudent at this stage to dispose of the writ petition with a direction upon the KMC to decide on the nature and extent of the illegal construction at the above premises by providing the parties with the copy of the inspection report.
4. If the order to be passed by the municipality identifies specific illegal construction, the KMC shall ensure that such illegal constructions are dealt with in accordance with law and are removed accordingly.
5. It is made clear that this Court has not entered into the merits of the case and shall be open to the KMC to decide the same in accordance with law being uninfluenced by any of the observations made herein.
6. It is expected that the entire process shall be completed by the KMC within a period of 8 weeks from the date of communication of this order.
7. Since no affidavit is called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Raja Basu Chowdhury, J.)