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05.02.2026
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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 30010 of 2025

With

CAN 1 of 2026

Tanveer Khan

Versus

Kolkata Municipal Corporation & Ors.

Mr. Rabi Sankar Chattopadhyay

Mr. Mahammed Reajal

... For the petitioner.

Mr. Nilotpal Chatterjee

Ms. Susmita Chatterjee

... For Kolkata Municipal Corporation.

Mr. Anuruzzaman

Ms. Tuhina parvin

... For the State.

Mr. Saurav Chauduuri

... For the private respondents.

1. Although, this Court had passed an order on 3rd February, 2026, however, since the connected application, being CAN 1 of 2026 was not listed, the matter once again has been placed under the heading “To Be Mentioned” today.

2. Let it be placed on record that this matter was taken up for consideration on 29th January, 2026, and though an order was dictated in Court, however, since Mr. Chatterjee had mentioned the matter later in the day, the matter had been directed to appear under the heading To Be Mentioned. The matter is heard. Accordingly, the unsigned order dated 29th January, 2026 and 3rd

February, 2026 are recalled and the matter is taken up for consideration afresh.

3. At the outset, it must be noted that although Mr. Chatterjee, learned advocate representing the KMC has placed before this Court the letter dated 15th January, 2026 wherein certain scandalous allegations have been leveled against him, however, Mr. Gopal Chandra Das learned advocate who is present in Court, the named author in the said letter would express his surprise at the above and would submit that he has never written the said letter though the aforesaid letter has been purportedly prepared in his name.

4. Mr. Das would submit that the signature appearing on the said letter is not his and someone has impersonated him while preparing the said letter.

5. Having regard to the above and noting that scandalous allegations have been made in the letter and since scandalous and unnecessary allegations cannot be permitted to be retained in the record, the same stands expunged from the record.

6. Now on the merits of the case, it may be noted that the petitioner has failed to comply with the direction as noted in paragraphs 17, 18 and 19 of the judgment and order dated 8th January, 2026, especially the undertaking that the petitioner/occupiers are willing to vacate the property for demolition of the deviated portion. Though an application for recall of the order dated 8th January, 2026 being CAN 1 of 2026 has been filed so as

to, inter alia, seek reduction of the security deposit to twenty five lakhs, however, apart from the copies of undertaking enclosed to the said application no other undertakings by the occupiers of the premises in question has been filed. The undertakings so filed also do not demonstrate that the two occupiers are willing to vacate the property to authorise the demolition of the deviated portions as noted in the infringement statement forming part of the order impugned. The copies of the undertakings also indicate that such undertakings are not in consonance with the direction issued by this Court. Accordingly, I am of the view nothing survives in the present writ petition to be decided any further.

7. The writ petition being WPA 30010 of 2025 along with CAN 1 of 2026 is accordingly disposed of without any further order, leaving it open to the municipality to proceed in terms of the order dated 16th September, 2025 passed by the municipal buildings tribunal (appeal No. 182 of 2023) in accordance with law.

8. Accordingly, both the writ petitions and the connected application stand disposed of.

9. 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.)