

05.01.2026
M/L 36
Ct No. 3
SG

WPA 88 of 2025

**Sumitra Das
Vs
The State of West Bengal & Ors.**

Mr. Suman Chattopadhyay.
...for the petitioner

Mr. Srijan Nayak,
Mr. Gopal Das.
...for the KMC

Mr. Susendu Bandyopadhyay.
...for the State

1. Complaining illegal construction at the behest of private respondent no. 10, the instant writ petition has been filed.
2. Despite service the private respondent no. 10 is not represented in Court.
3. According to the petitioner, the private respondent had illegally constructed a drain by encroaching on the petitioner's property. Though the petitioner had duly notified the municipal authorities, the municipal authorities have not taken any steps. In this context the petitioner relies on the representation dated 10.09.2024.
4. Learned advocate representing the Kolkata Municipal Corporation has placed before this Court a report dated 12.02.2025 issued by the Executive

Engineer (Building), Borough-X and would contend that noting illegal construction at the behest of respondent no. 10, a stop work notice has already been issued under Section 401 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the 'said Act') and a demolition proceeding under Section 400(1) of the said Act has also been initiated.

5. Having heard the learned advocates for the respective parties and noting that the municipal authorities have already taken steps in relation to the illegal construction though the same is disputed by the learned advocate for the petitioner, I am of the view no fruitful purpose will be served by keeping the writ petition pending.

6. Accordingly, I direct the municipal authorities to conclude the proceeding under section 400(1) of the said Act if the same has already initiated by them or in the alternative if no such proceeding has been initiated to carry out an inspection and decide on the petitioner's representation in accordance with law by passing a reasoned order, and if, any illegal construction is noted to initiate appropriate proceeding under Section 400 of the said Act. The entire exercise must be completed as expeditiously as possible preferably but not later than 12 weeks from

the date of communication of this order in accordance with law upon giving opportunity of hearing to all concerned.

7. Accordingly, the present writ petition is disposed of.

8. Since no affidavits have been called for from the respondents, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Raja Basu Chowdhury, J.)