

OD- 6

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
ORIGINAL SIDE

WPO/57/2026

RAZIA SHAHEEN  
VS  
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE  
THE HON'BLE JUSTICE RAJA BASU CHOWDHURY  
Date: 9<sup>th</sup> March, 2026

Appearance:  
*Mr. Partha Sarathi Das, Adv.*  
*Mr. Umar Sadhique, Adv.*  
*Ms. Purnima Panda, Adv.*  
*Ms. Maria Sharwari, Adv..*  
*....for the petitioner*  
*Mr. Swapan Kumar Debnath, Adv.*  
*Mr. Gopal Chandra Das, Adv.*  
*Ms. Ananya Das, Adv.*  
*....for the KMC*

1. Despite service of notice, the private respondent is not represented.
2. This matter has a chequered history. Previously the petitioner complaining inaction on the part of the municipality to take steps of an alleged illegal construction in respect of the premises no.6B, Karim Bux Lane, Kolkata – 700 016 had filed a writ petition which was registered as WPO/748/2024. By an order dated 18<sup>th</sup> September, 2025, a coordinate Bench of this Court was pleased to dispose of the writ petition with a direction upon the municipal authorities to consider and dispose of the petitioner's representation dated 18<sup>th</sup> March, 2024 within a specific period as recorded therein by passing a speaking order.
3. Pursuant to the above, though an order dated 21<sup>st</sup> January, 2026 has been passed, the learned Advocate for the petitioner would point out that municipality despite observing illegal construction at the locale is only in the process of contemplating issuance of a notice under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as 'the said Act'). According to him till date no stop work notice has been issued.

4. The learned Advocate appearing for the municipality would, however, submit that a hearing notice has been issued by the Special Officer (Building) indicating that a hearing shall take place on 10<sup>th</sup> march, 2026. He, however, could not place before this Court any document to substantiate that a stop work notice has been issued in this matter.
5. Having regard to the sordid state of affairs, I am of the view that the municipality must forthwith arrest the illegal construction that has been carried out at premises no.6B, Karim Bux Lane, Kolkata – 700 016 by issuing a notice under Section 401 of the said Act. Municipality is also directed to conclude the proceedings initiated by them under Section 400(1) of the said Act as expeditiously as possible preferably within a period of eight weeks from date of the next hearing.
6. Since no affidavit has been called for, the allegations made in the petition are deemed not to have been admitted by the respondents.
7. The writ petition thus stands disposed of.

(RAJA BASU CHOWDHURY, J.)