

OD-09

WPO/785/2025
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

Md. Hammad Ansari
Versus
The Kolkata Municipal Corporation & Ors.

Before:
The Hon'ble Justice RAJA BASU CHOWDHURY
Date: 22nd January 2026

Appearance:
Mr. Farooque Ali, Advocate
for the petitioner

Mr. Sandipan Banerjee, Advocate
Mr. Swapan Debnath, Advocate
for the KMC

Mr. Sakya Sen, Sr. Advocate
Mr. Shital Sunwar, Advocate
for the respondent nos.7 to 12

Mr. Sukla Das Chandra, Advocate
for the State

The Court: 1. The writ petition has been filed, inter alia, for an order so as to direct the respondent authorities to restrain and restrict the private respondent from carrying out any construction at premises no.17B, Marquis Lane, Kolkata – 700016 and/or from demolishing such premises in any manner whatsoever. The records would reveal that a sanctioned building plan has already been issued in respect of the aforesaid premises being B.P. No.2023060016 dated 2nd June 2023

2. The petitioner claims to be a tenant in respect of the aforesaid premises. According to the petitioner, the respondent nos. 4 to 9 have

obtained sanctioned building plan based on a purported 'no objection certificate' which has never been issued by the petitioner. Accordingly, the petitioner had questioned the grant of sanctioned building plan and later had filed a writ petition which was registered as WPO/119/2025. The said writ petition is claimed to have been dismissed by an order dated 12th March 2025. Following the above, an appeal was filed which was registered as APO/28/2025. By an order dated 3rd July 2025 the Hon'ble Division Bench of this Court, by noting the submissions made by the petitioner including his contention that his signature has been forged had, directed the municipal commissioner and his designate to consider the petitioner's representation dated 8th May 2025 within a period specified therein. In furtherance thereto, the municipal commissioner had passed an order dated 24th September 2025 by observing as follows:

“That after going through the respective written submission of both parties followed by departmental observation it appears that notarized affidavit dated 23.03.2022 was submitted by the owner/CA before Executive Engineer (Building)/Borough-VI for obtaining the sanction plan. Whereas the said notarized affidavit dated 23.03.2022 contains the name of two tenants 1. Md. Sanaullah Ansari, S/o. Mangro 2. Md. Hammad allies (Md. Hammad Ansari), S/O-Late Md. Samad with their signature respectively. Whereas the petitioner Md. Hammad allies (Md. Hammad Ansari) alleged is that his

signature is being forged in the said notarized affidavit dated 23.03.2022.

Accordingly since the affidavit of NOC being submitted having the signature of the two tenants before notary concerned, one of the photocopy of the same may be forwarded to Md. Sanaullah Ansari as he was the joint tenant with the writ petitioner to confirm on writing of the signature of Md. Hammad alies (Md. Hammad Ansari). Another photo copy of the notarized affidavit may be sent to Notary concerned to clarify the allegation as made by Md. Hammad allies (Md. Hammad Ansari)(writ petitioner). Executive Engineer Building Br-VI is directed to comply the order by forwarding the same to the above two concerned.

Let this order be communicated to all the parties.”

3. Challenging the above direction the writ petition was moved in effect challenging the action of the respondent authorities in not disposing of the complaint.

4. The learned advocate for the petitioner would now submit that in furtherance to the aforesaid, a further order has been passed by Special Municipal Commissioner disposing of the petitioner's complaint. A copy of the aforesaid order, which the petitioner's advocate claims to have received on 19th December 2025, has been placed before this Court and is taken on record.

5. In the light of the subsequent development, I am of the view that the pending writ petition can no longer be maintained as there is no challenge to the subsequent order. Accordingly the writ petition is disposed of with liberty to the petitioner to take recourse against the subsequent order which is claimed to be received by them on 19th December 2025, in accordance with law, if so advised.

(RAJA BASU CHOWDHURY, J.)

R. Bose