

OD-01

WPO/811/2025
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

Mustari Begum & Anr.
Versus
The State of West Bengal & Ors.

Before:
The Hon'ble Justice RAJA BASU CHOWDHURY
Date: 19th March 2026

Appearance:
Mr. Joyak Kr. Gupta, Advocate
Mr. A. Rasul, Advocate
Mr. S. S. Biswas, Advocate
for the petitioners

Mr. Debjit Mukherjee, Advocate
Ms. Priyanka Jana, Advocate
for the State

Mr. Gopal Ch. Das, Advocate
Ms. Ananya Das, Advocate
for the KMC

Mr. Avirup Chatterjee, Advocate
Mr. Rishov Das, Advocate
for the private respondent nos.7 & 8

Mr. Sumitava Chakraborty, Advocate
Ms. Satabdi Das, Advocate
for the added respondent

The Court: 1. Today the State has filed an updated report in terms of the order dated 5th March 2026. Such report is dated 19th March 2026 and signed by the Officer-in-Charge of the Park Street Police Station. Let a copy of the aforesaid report as placed before this Court be taken on record.

2. The aforesaid report would highlight that a specific case being Park Street PS Case No.73 dated 25th July 2023 under section 401(A) of

the Kolkata Municipal Act, 1980 (hereinafter to referred to as “the said Act”) was registered and after a thorough investigation charge sheet has been submitted and the matter is sub-judice. The next hearing is fixed on 7th May 2026. The report further records that at present the construction activity at the said premises had stopped. It further highlights that certain persons are carrying on business from the said premises.

3. The learned Advocates representing the parties have placed before this Court an order dated 18th March 2026 and would submit that one Md. Khurshid claiming to be in occupation of a shop room at the ground floor of the premises no. 17/1, Muzaffar Ahamed Street, Ward No.61, Borough – VI, Kolkata had approached before the Division Bench of this Court with a leave to appeal from the order dated 5th March 2026. The Division Bench by taking note of the submissions made on behalf of Md. Khurshid had granted leave to appeal and had disposed of the appeal by adding the appellant as a respondent in the writ petition. It has further been provided in the said order that the appellant shall be entitled to make submission before the learned Judge at the time of hearing of the writ petition. Considering the fact that a certificate of enlistment has already been issued in favour of the appellant the Division Bench had permitted the appellant to continue with his business operation for a period of one week or till the disposal of the writ petition whichever is earlier.

4. Mr. Chatterjee, learned Advocate representing the respondent nos.7 and 8 would submit that the municipality has attempted to mislead this Court. He would submit that the construction is authorised.

5. Having heard the learned Advocates appearing for the respective parties including Mr. Chakraborty, learned Advocate representing Md. Khurshid, the added respondent, added pursuant to the order dated 18th March 2026 passed by the Division Bench of this Court, I am of the view, taking note of the fact that a proceedings under section 400(1) of the said Act has already been initiated by the municipality and noting that the private respondents had specifically submitted on 12th February 2026 that they are ready and willing to adhere to the development agreement dated 13th November 2020 and make over the flat having an area of 301 sq.ft. comprising of two rooms with one attached bath and privy excluding the north facing attached balcony with all other amenities attached thereto on the 5th floor at premises no. 17/1, Ripon Street, Kolkata – 700016, it would prudent for this Court, at this stage, not to retain the matter in the file any further. Accordingly I direct the municipality to conclude the aforesaid proceedings as expeditiously as possible, preferably within a period of eight weeks from the date of communication of this order.

6. It is made clear that till a decision is taken by the municipal authorities, no further construction shall be carried out at the premises in question and the police authorities shall ensure the same.

7. Since the Division Bench of this court has permitted the added respondent to continue his business operation from the said

premises for a period of one week or till the disposal of the writ petition whichever is earlier, I am of the view that for the time being till a decision is taken by the municipal authorities, the possession of the added respondent shall not be disturbed. The municipal authorities and the State authorities shall, however, ensure that no other persons operate any business from the said premises or occupy the same till the disposal of the proceedings as directed above.

8. The above order shall, however, not stand in the way of the private respondents from complying with the order dated 12th February 2026.

9. Since no affidavit has been called for, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

10. With the above observations, the writ petition stands disposed of.

(RAJA BASU CHOWDHURY, J.)

R. Bose