

24th Sept.,2025
Item no.D/L 32
Court No. 14
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 18586 of 2025**

In the matter of :
Asgar Ali Molla *.... Petitioner*
VS.
The State of West Bengal & Ors. *....Respondents*

For the Petitioner :
Mr. Pampa Dey (Dhabal)
Mr. Biswarup Chatterjee *....Advocates*

For the State :
Mr. Bikash Goswami *....Advocates*

For the EKWMA :
Ms. Sonal Sinha
Mr. Sandipan Das
Ms. Shabnam Farooqui *....Advocates*

For the KMC :
Mr. Alak Kumar Ghosh
Mr. Gopal Chandra Das *....Advocates*

For the Private respondent :
Mr. Md. Mansoor Alam
Mr. Md. Asjad Mansoor *....Advocates*

1. Perused the report of the Chief Technical Officer, EKWMA dated 22nd September, 2025.
2. It appears therefrom that a field inspection was conducted and it was found that the subject plot of land over which allegation of unauthorized construction has been made does not fall within the jurisdiction of EKWMA.
3. Learned advocate representing the private respondent denies the allegation of making unauthorized construction.

4. It has been submitted that construction has been made in accordance with the plan sanctioned by the Kolkata Municipal Corporation on 2nd February, 2021 vide building permission no. 2020150063. The photo copy of the sanctioned building plan be retained with the records.
5. Learned advocate representing the Corporation relies upon the instruction forwarded by the Executive Engineer (C) (E & H) Department of the Kolkata Municipal Corporation dated 18th September, 2025 wherefrom it appears that from the NRSA (Aerial Map) a portion of the water body appears to have been filled up.
6. A complaint relating to filling up of waterbodies was received by the department. Notice under Section 53 of the West Bengal Town & Country (Planning & Development) Act, 1979 was issued and an FIR was lodged on 11th February, 2021 before the Nadial Police Station.
7. The fate of the notice issued by the Corporation has not been placed before the Court.
8. Learned advocate representing the State respondents relies upon the report forwarded by the Officer-in-Charge, Nadial Police Station dated 23rd September, 2025. It cannot be ascertained from the said report as to whether the allegation of filling up of waterbody is proper or not.
9. The respondent nos. 5, 6 & 10 are directed to verify the records and ascertain as to whether the subject land can be classified as a waterbody or not.
10. Record of rights relied upon by the petitioner suggest that the land is recorded as 'pukur' in the record of rights.

Let a report by the land authorities be placed before this Court on the adjourned date.

11. Relist the matter on 10th November, 2025.

12. Leave granted to the learned advocate on record of the private respondent to file vakalatnama in the department by tomorrow.

(Amrita Sinha, J.)