

11.08.2026
Item No.32
Ct. No. 03
RP

WPA/24484/2025
MD. FARUQUE
VS
THE KMC & ORS

Mr. Anindya Bose
Ms. Raina Das
Ms. Liza Chatterjee
Ms. Tafisa Khatun
.....For the Petitioner
Mr. Madhu Jana
Mrs. Sarda Sha
... For State
Mr. Alok Kumar Ghosh
Mrs. Ira Bhattacharyya
..For KMC

1. Complaining unauthorized construction and failure on the part of the municipal authorities to take appropriate steps, the instant writ petition has been filed.
2. When the writ petition was taken up for consideration on 29th January, 2026 this Court was, inter alia, pleased to pass the following direction.

“1.Today once again an adjournment has been sought for on behalf of the municipality to file the report and the affidavit as directed by orders dated 1st April, 2026 and 9th June, 2026.

2.Accordingly, as a last chance, let this matter be listed under the same heading on 15th July, 2026 for the

municipality to comply with the directions as directed.”

3. Pursuant to the aforesaid direction, though belatedly and after obtaining subsequent extension on 27th March, 2026, the municipality has filed a report, which is counter-signed amongst others by the Executive Engineer (C)/Building/Borough VII and is dated 1st April, 2026. Although, from the aforesaid report it transpires that an inspection was carried out by the municipality at premises no.B/5/H/6, Bibi Bagan Lane, Kolkata-700015, and an order under Section 400(8) of the Kolkata Municipal Corporation Act, 1980 was passed in relation with unauthorized construction, however, having regard to the fact that in the said report it was indicated that steps are being taken to execute such order by preparing a demolition sketch, this Court had directed the municipality vide its order dated 1st April, 2026 to file an updated report. In terms of the aforesaid direction passed by this Court, the Municipal Commissioner had filed an affidavit affirmed on 15th July, 2026 and in the said affidavit has categorically stated that the demolition work is under progress. Appropriate

explanation has also been provided as regards the delay in filing the report.

4. Having regard to the above and while accepting the explanation provided by the Municipal Commissioner and noting that steps have already been taken and underway to deal with the unauthorized construction, in my view, no fruitful purpose would be served to retain the writ petition on the file of this Court. Accordingly, this instant writ petition stands disposed of with a direction upon the Municipal Authorities to deal with illegal construction in accordance with law.
5. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Raja Basu Chowdhury, J.)