

10.12.2025
Ct. 3
Item No.
AD 19
sayandeep

WPA 25634 of 2025

**Entally Janasevak Sangha & ors.
Versus
The Kolkata Municipal Corporation & Ors.**

Mr. Sabyasachi Roy ... For the petitioners

Mr. Sagnik Chatterjee
Ms. Ananya Neogi ...For the State

Mrs. A. Mulla
Mr. Sourat Nandy For the respondent No. 8

Mr. Baidurya Ghosal
Mr. Prithwiraj Sinha Roy
Mr. Sourav Mukherjee
Mr. Saikat Mukherjee
..... for the respondent Nos. 9, 11, 12

1. The affidavit-of-service filed in Court today is taken on record.
2. The petitioner would complain illegal construction by the private respondent Nos. 8 to 14.
3. The Municipality is represented. Mr. Ghosh, learned advocate representing the municipality has filed a report and would submit that though a sanction building permit was issued on 13th September, 2025 for construction of G+3 storied residential building in respect of premises No. 136A Dr. Lal Mohan Bhattacharya Road, ward No. 55, borough VI however, the construction had progressed in an unauthorized manner, encroaching upon the mandatory open spaces and also on the two number

of splayed corners which have been subsumed in the building. According to Mr. Ghosh, consequent there upon, not only a notice under Section 401 of the KMC Act, 1980 (hereinafter referred to as the said Act) was issued but a demolition proceeding has been initiated and an order has been passed thereon by the Executive Engineer (civil) Building/borough VI on 20th November, 2024 directing the private respondent No. 8, namely, Md. Wasim to demolish the unauthorized construction at the above premises within 7 days. The order is dated 20th November, 2024. According to Mr. Ghosh, the respondent No. 7 has not carried out this order.

4. The learned advocate representing the private respondents in response to a query from this Court, would also submit that the aforesaid order has not been carried out.
5. Having regard to the peculiar facts noted hereinabove and also noting that the private respondents have used up the spaces meant for corner splay, and have also constructed two additional floors dehors the sanction plan, I am of the view that municipal authorities must immediately proceed and secure compliance of the above order unless such order has already been stayed. Considering the major deviation of the

sanctioned plan, the aforesaid direction is being issued inasmuch as the private respondents have not bothered to adhere to the municipal laws and not only utilized the splayed corner but also the mandatory open spaces and have also constructed two additional floors on the said building.

6. After the order is dictated since it is submitted by the learned advocate for the private respondents that proceedings are pending before the KMC Tribunal as regards the regularization though no disclosure as regards the particulars thereof has been made, I am of the view that since this Court is in seisin of the matter, no steps should be taken by the municipal authorities to regularize the unauthorised structure till disposal of this petition or until further order whichever is earlier. The municipal authorities are directed to file a detailed report in this matter on or before the matter is taken up next.

7. List this matter in the **combined monthly list of January, 2026.**

(Raja Basu Chowdhury, J.)