

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO(P)/1/2024

SK MAHBUB HOSSAIN
Vs
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN

AND

The Hon'ble JUSTICE SMITA DAS DE

Date : 17th July, 2025

Appearance:

Mr. Mainak Bose, Sr. Adv.

Mr. Ratul Das, Adv.

Ms. Anjushri Mukherjee, Adv.

...for the petitioner.

Mr. Somnath Bose, Adv.

...for the CESC Ltd.

Mr. Alak Kumar Ghosh, Adv.

Mr. Arijit Dey, Adv.

...for the KMC.

Mr. Ashoke Kumar Chakraborty, Ld. A.S.G.I.,

Mr. Sukanta Chakraborty, Adv.

Mr. Tirtha Pati Acharyya, Adv.

...for the respondent no.2.

Mr. Sirsanya Bandopadhyay, Adv.

Mr. Debangshu Dinda, Adv.

...for the State of West Bengal.

Sk. Md. Galib, Adv.

Mr. Siddique Mallik, Adv.

...for the Board of Auqaf.

1. A letter addressed to the Registrar, Original Side, High Court at Calcutta by one Sk. Mehbub Hossain dated 11th July, 2025, clarifying that he is not the petitioner in WPO(P)/1/2024 and he is neither interested nor involved in the matter in any manner whatsoever and it is required to be enquired by Amherst Street Police Station, Kolkata. It is further stated in the said communication that a complaint letter was submitted in his

name and a copy of the same has allegedly been filed before the Hon'ble High Court in the said public interest litigation.

2. Irrespective of the clarification, the fact remains that there are extensive unauthorised construction in the premises involved in this writ petition. It does not matter that by the clarification an attempt is made to exclude the name of Sk. Mehbub Hossain. The fact remains that it has come to the notice and knowledge of the Court that there are extensive unauthorized constructions and the Corporation has already initiated demolition proceedings. Some of the occupiers have tried their luck before the Municipal Building Tribunal unsuccessfully. Accordingly, we direct the Corporation with the assistance of the State Administration to complete the demolition process at the earliest and the matter shall be listed after four weeks for filing a report as to the progress made in this regard.
3. Learned Additional Solicitor General of India has filed a report disclosing certain photographs to show that certain holes have created in some of the flats of the enemy property and there has been no demolition as such. However, it has been clarified by Mr. Alak Kumar Ghosh, learned Counsel appearing on behalf of the Kolkata Municipal Corporation that this is part of the demolition exercise and the entire structure should be demolished in a phased manner.
4. The report filed by the Union of India is taken on record.
5. The reports filed by the State Administration and the Kolkata Municipal Corporation with regard to premises nos.170/H/47 Keshab Chandra Sen Street, Ward-37, Br.-V, 166/H/79 Keshab Chandra Sen Street, Ward-37, Br.-V and 135/H/2/2 Keshab Chandra Sen Street, Ward-38, Br.IV are

taken on record and shall be shared with the advocate-on-record for the Union of India.

6. We have been informed by Mr. Bandopadhyay, learned Counsel appearing for the State that one lady, *namely*, Shehnaz Begum, aged about 63 years, residing at the fifth floor of premises no.170/H/47, Keshab Chandra Sen Street, Ward-37, Br.-V, is suffering from chronic kidney failure and presently undergoing dialysis. In view thereof, we direct the State to provide her an accommodation where she can undergo dialysis and the Municipal Authorities must render all assistance in this regard. The State and the Municipal Authorities are directed to make necessary arrangement for the shifting of Shehnaz Begum at a rent free flat to be provided by the State as in spite of best efforts being made, the relatives are not willing to provide any such accommodation. She is also to be provided all medical facilities by the State free of cost.
7. We direct the Member Secretary, State Legal Services Authority to appoint a PLV to ensure that proper facility is extended to the lady concerned and the State Legal Services Authority must file a report on the adjourned date.
8. This order shall be communicated to the Member Secretary, State Legal Services Authority for information and compliance.
9. The photocopy of the said letter shall be forwarded to the CID for investigation in the matter and file a report on the adjourned date.
10. The forensic handwriting expert shall also be appointed by the CID for finding whether the original signature appearing in the letter of complaint and the signature appearing in this letter filed before the Hon'ble High Court are of the same person for the purpose of forensic

examination. Both the persons shall be called and they must make themselves available for examination. It would be open for the forensic expert to investigate the original in the Court premises for the purpose of investigation and file a report.

11. The CCTV footage of the person who has affirmed the writ petition shall also be shared with the CID.
12. This order shall be communicated by the State to the CID for compliance and the CID shall file a report on the adjourned date in a sealed envelope.
13. Let the matter be listed after four weeks.

(SOUMEN SEN, J.)

(SMITA DAS DE, J.)