

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 Tapabrata Chakraborty, Acting Chief Justice
AND

The Hon'ble Justice Partha Sarathi Chatterjee

Date : 7th August 2026

Appearance:

*Mr. Sukanta Chakraborty, Adv.
Mr. Tirtha Pati Acharyya, Adv.
...for Guardian of Enemy Property.*

*Mr. Somnath Bose, Adv.
...for the CESC Ltd.*

*Mr. Asoke Banerjee, Sr. Adv.
Mr. Alak Kumar Ghosh, Adv.
Mr. Nilotpal Chatterjee, Adv.
Mr. Arijit Dey, Adv.
...for the KMC.*

*Mr. Sourav Ghosh, Adv.
Mr. Sukanta Ghosh, Adv.
Mr. Arghya Chatterjee, Adv.
...for State of West Bengal.*

*Abu Siddique Mallik, Adv.
...for the Board of Auqaf.*

The Court:-

1. Records reveal that when the matter came up for hearing on 17th July 2025, a coordinate Bench of this Court, taking into account that one lady, namely, Shehnaz Begum residing on the 5th floor of premises No.170/H/47 Keshab Chandra Sen Street, Ward-37, Borough-V, Ward-37, Br.-V is suffering from chronic cardiac failure and is presently undergoing dialysis, directed the State authorities to provide her an accommodation where she can undergo dialysis. The municipal

authorities were also 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 the best efforts being made, her relatives are not willing to provide any such accommodation. On the said date, the learned counsel appearing for KMC submitted that certain holes have been created in some of the flats of the enemy property and that such act is a part of the demolition exercise and the entire structure would be demolished in a phased manner.

2. Today, Mr. Banerjee, learned senior counsel appearing for the KMC authorities, has placed before us a report in the form of an affidavit filed on behalf of the respondent No.12 affirmed on 18th March 2026. In the said report, nothing has been stated as to whether the KMC authorities did act in compliance of the Court's order for making necessary arrangement for shifting of Shehnaz Begum from the 5th floor. The report also does not properly disclose the specific steps taken by the KMC authorities towards demolition of the building, save and except a statement that the Municipal Commissioner has instructed the Health and Family Welfare Department to provide necessary support of doctors, ambulance and movement of the patient. Mr. Banerjee further submits that in spite of a direction upon the State authority to provide a rent-free accommodation to Shehnaz Begum, no steps have been taken.
3. In paragraph 10 of the order dated 17th July 2025, there was also a direction towards appointment of a forensic handwriting expert to ascertain as to whether the original signature appearing in the letter of complaint and the signature appearing in the letter filed before the Court

are of the same person. Learned advocate appearing for the State respondents has not been able to apprise this Court as to whether such direction has been complied with. He is also not in a position to inform as to whether after 17th July 2025, any further step was taken by the police authorities.

4. Mr. Chakraborty, learned advocate appearing for the respondent No.2, submits that in spite of specific directions upon the KMC and the State authorities, no further steps have been taken towards demolition of the building in question.
5. Mr. Abu Siddique Mallik and Mr. Somnath Bose, learned advocates, have entered appearance on behalf of the respondent Nos.15 and 16 respectively.
6. In the said conspectus, it appears that the directions contained in the order dated 17th July 2025 have neither been complied with by the KMC authorities nor by the police authorities. No steps have been taken for shifting the patient to a rent-free accommodation and in the process, prima facie, it appears that the unauthorised construction has been allowed to remain in the property in question. Such action of the KMC authorities and police authorities is deprecated by this Court.
7. On the returnable date, the respondent No.12 shall file a comprehensive report in the form of an affidavit before this Court detailing the steps taken by the KMC authorities towards demolition of the building in question. In the report, it should also be explained as to why in spite of a specific direction, no step was taken for shifting of the patient. The respondent No.3 shall also file a report in the form of an affidavit through

an authorised representative detailing the steps taken on the basis of the directions contained in the earlier order dated 17th July 2025. We make it clear that in the event Ms. Shehnaz Begum has not been shifted as yet, immediate steps should be taken by the authorities to arrange a rent-free accommodation and to provide all medical facilities to Ms. Shehnaz Begum free of cost. We also make it clear that in the event such reports are not filed as per our directions, this Court shall be constrained to direct the personal appearance of the respondent Nos.3, 4 and 12.

8. List this matter for further consideration in the daily supplementary list of this Court on 21st August 2026.

(TAPABRATA CHAKRABORTY, ACJ.)

(PARTHA SARATHI CHATTERJEE, J.)

S. Kumar