

OD-05

WPO/930/2025
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

Sripati Kumar Shaw

Versus

The Kolkata Municipal Corporation & Ors.

Before:

The Hon'ble Justice RAJA BASU CHOWDHURY

Date: 26th February 2026

Appearance:

Mr. Supratik Shyamal, Advocate
for the petitioner

Mr. Biswajit Mukherjee, Advocate
Mr. S. Chatterjee, Advocate
for the KMC

Ms. Susmita Chatterjee, Advocate
for the State

Mr. Sounak Bhattacharya, Advocate
Sounak Mandal, Advocate
for the respondent no.6

The Court: 1. The present writ petition has been filed, inter alia, praying for a direction upon the Kolkata Municipal Corporation to conclude the hearing initiated in respect of the premises no. 393/3F/2, Prince Anwar Shah Road, Kolkata – 700 068 forthwith by passing order of demolition.

2. Records would reveal that previously the writ petitioner complaining inaction on the part of the municipalities had filed a writ petition, which was registered as WPA/20028/2021. By an order dated

25th January 2023 the said writ petition was disposed of by directing the respondent no.2 or his delegate to consider and dispose of the representation made by the petitioner strictly in accordance with law after giving hearing to all the necessary parties including the petitioner within a period of three months from the date of communication of that order. According to the learned advocate for the petitioner no steps have been taken by the municipality to conclude the proceeding.

3. Mr. Mukherjee, learned advocate representing the municipality has filed a report and would submit that the proceedings under section 400(1) of the Kolkata Municipal Corporation Act, 1980 has already been initiated against the unauthorised structures at the above mentioned premises. Subsequently, an order has also been passed by the Special Officer (Building), Kolkata Municipal Corporation. The implementation of such order is under process.

4. I find from the aforesaid report, though prima facie, the municipality is yet to comply with the direction issued by a coordinate Bench of this Court in WPA/20028/2021 on 25th January 2023. The order passed by the Special Officer (Building), Kolkata Municipal Corporation has also not been produced. It has already been brought to the notice of this Court that a contempt application for the failure on the part of the municipality to adhere to the directives issued by the Court on 25th January 2023 is pending consideration. Since Mr. Mukherjee is unable to enlighten this Court as to the exact date of the order was passed by the Special Officer (Building), KMC, let this matter stand over

for the respondent no.3 to file a fresh report before this Court on the next date of hearing.

5. List this matter alongwith WPA/27491/2024 on 9th March 2026.

(RAJA BASU CHOWDHURY, J.)

R. Bose