

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 22558 of 2026

Md. Sharif Ghoshi @ Bablu Ghoshi
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Tarique Quasimuddin
Mrs. Zainab Tahur
... For the petitioner.

Mr. Sukanta Ghosh
Ms. Sheha Chatterjee
... For the State

Mr. Biswajit Mukherjee
Mr. Debanjan Mukherjee
... For KMC

1. The instant writ petition has been filed, inter alia, praying for a direction upon the respondents not to initiate the process of demolition at Premises No. B/1/H/1 (portion), Paikpara Raja Manindra Road, Ward No.004, Borough-I, Police Station – Chitpur, Kolkata – 700037.
2. The records would reveal that the Special Officer (Building), Kolkata Municipal Corporation (KMC), has passed an order directing the person responsible to demolish the impugned unauthorized structure at their own cost within a period of fifteen days vide his order dated 31st March, 2007.
3. Since then, an appeal was filed before the appellate authority, being the Municipal Building

Tribunal, which was registered as Appeal No. 38 of 2007. Such appeal had been dismissed by an order dated 16th May, 2011. Even thereafter, the municipal authorities could not get the order executed. In the interregnum, fifteen years have passed after passing of the order by the Municipal Building Tribunal.

4. As pointed out by Mr. Mukherjee, learned advocate appearing for the municipal authorities that in the meantime, the petitioner had tried their luck by filing a writ petition before this Court. By an order dated 30th January, 2012, a Coordinate Bench of this Court had refused the interim order of stay. Being aggrieved, though an appeal was filed which was registered as MAT 1565 of 2011, the petitioner could not succeed in getting any stay order.

5. Records would also reveal that recently on 18th August, 2026, a notice has been affixed on the outer wall of the aforesaid premises under Section 544 and 546 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the “said Act”), claiming that the municipal authorities shall enforce the demolition order through their workmen on 25th August, 2026.

6. Learned advocate for the petitioner would submit that since the petitioner is residing at the locale at least four weeks time should be given to the petitioner to vacate the said premises.

7. Mr. Mukherjee, learned advocate for the municipal authorities would submit that in the year 2007, an

opportunity was afforded to the petitioner to demolish the unauthorized structure. Unfortunately, the petitioner did not demolish the said structure despite the order and had continued to contest the proceedings even after failing in his attempt to secure any order from the Building Tribunal or from this Hon'ble Court in the subsequent writ petition and in the mandamus appeal. The petitioner chose to resist the demolition.

8. Having heard the learned advocates appearing for the respective parties, though the learned advocate for the petitioner would insist that four weeks time to vacate the premises in question should be permitted, however, having regard to the peculiar facts I am not inclined to grant such time to the petitioner. Though the learned advocate for the petitioner would submit that the petitioner should be given an opportunity to demolish the premises in question, I am of the view having regard to the conduct of the petitioner for resisting the order of demolition, despite having failed to obtain any favorable order even before the Hon'ble Division Bench of this Court in MAT 1565 of 2011, in the year 2012, and in not voluntarily demolishing the unauthorised structure for more than 19 years from the date of passing of the order by the Special Officer (Building), no further opportunity can be given to the petitioner to carry out self-demolition. The municipal authorities shall be at liberty to proceed in accordance with law on the appointed date.

9. With the above observations and directions, the writ petition stands disposed of.

Urgent Photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)