



The Kolkata Municipal Corporation
Central Municipal Office Building
Municipal Commissioner's Department

Dated: 27/09/2024

Municipal Commissioner's Circular No: 44 of 2024-2025

Formation of a High Power Committee regarding mode of operation for imposition of restrictions of transfer of unauthorized building/ flat/ apartment etc

It is observed that the menace of illegal constructions in Kolkata Municipal Corporation (KMC) area is worrisome and KMC is committed to counter it.

A meeting was chaired by the Hon'ble Mayor of Kolkata on 8th April 2024 at Kolkata Municipal Corporation, where it was discussed that there should be a check on registering the deeds of buildings /houses /flats /shops etc. Accordingly request had been made to IGR&CSR, GoWB to devise a mechanism whereby before registering the deeds of Buildings/ houses/ flats/ shops etc in KMC area, the sanctioned plan and legality of the constructed property should be checked. These steps will help prevent registration of illegally constructed buildings /houses /flats /shops etc.

Thereafter in a meeting dated 20/04/2024, OSD & Ex-Officio Secretary, Finance (Revenue) informed that it is hardly possible by registering officer to decide whether the structures mentioned in the application is legal or not. Minutes of the Meeting dated 20/04/2024 is enclosed.

In this regard it is also pertinent to mention that in W.P.A (P) 136 of 2024 [Rakesh Singh. Versus State of West Bengal & Ors]. + W.P.A.(P) 143 of 2024 [Mrs. Basabi Rai Chowdhury Versus The State of West Bengal & Ors] Hon'ble Division Bench of the Hon'ble High Court at Calcutta in the order passed dated 25/04/2024 as follows:

"12. In the light of the above reasoning, which we have set out, there will be a direction to the respondent no.19 in W.P.A.(P) 143 of 2024 viz. the Registrar of Assurances, 5, Government Place, Lal Dighi, B.B.D. Bagh, Kolkata - 700001, West Bengal not to register any sale deed or document or a Power of Attorney concerning a building, where there is no sanctioned building plan.

13. This direction is purely an interim order and passed on a prima facie consideration of the facts and circumstances and as submitted by the learned Advocate General for the State, the Court will hear the State and consider as to whether such direction has to be continued, modified or affirmed."

There may be other issues which may be encountered like legality of the buildings which are in existence since long though may not have formal sanction plans from local body but paying KMC/ municipality tax since long or building / flat/ apartment comes for registration, having proposed deed plan differs from KMC approved sanction/ CC plan or what will be the observation for the registration of the vacant lands etc.

To decide the mode of operation for imposition of restrictions of transfer of unauthorized building/ flat/ apartment etc, a high power committee has been constituted as per approval of Hon'ble Mayor comprising of following members:

- A. Addl. Municipal Commissioner
- B. Ld. CMLO
- C. DG(Building)
- D. All Chief Manager (R)
- E. CO (IT)
- F. Representatives from IGR& CSR.

The committee will place its recommendations to Municipal Authority for consideration.

This has the approval of Hon'ble Mayor vide e-file no. : KMC-26013/1/2024-BLDG CMO SECTION-KMC, Computer No.: 946334.

Paul (24/09/2024)
Municipal Commissioner
Municipal Commissioner
Kolkata Municipal Corporation

Copy to:

1. OSD to Hon'ble Mayor - for favor of his kind information
2. IGR&CSR, GoWB
3. Addl. Municipal Commissioner
4. Ld. CMLO
5. DG(Building)
6. All Chief Manager (R)
7. CO (IT)

Paul (24/09/2024)
Municipal Commissioner
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