

08.12.2025
Ct. 3
Item No.
A 52
Saswata

WPA 3110 of 2024
Ganesh Dey
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Debabrata Roy
Mr. Gazi F. Hossain
Mr. S. Mondal

...For the petitioner

Mr. Anand Fermania
Mr. Sundar Gopal Bhattacharyya

...For the KMC

Mr. Tanmoy Kr. Dey
Mr. Anirban Roy
Mr. Rajarshi Mitra

...For the respondent no. 8

1. The petitioner would complain of illegal construction at premises no. 79A, Raja Rajendralal Mitra Road, Ward no. 34, Borough – III, P.S.- Beliaghata, Kolkata – 700085.
2. According to the petitioner though a sanction was granted for G+I storied building, the private respondents have constructed a G+II storied building.
3. The Municipality is represented.
4. The learned advocate for the Municipality by placing before this Court a report dated 15th February 2024 submits that an inspection has already been conducted whereupon it has been detected that a C.I. shed construction has been made over the open terrace at the first floor of two storied building. Stop work notice has been issued on 6th February 2024 in terms of Section 401 of the Kolkata Municipal Corporation Act, 1980 to the persons responsible.

5. Mr. Dey, learned advocate appearing for the respondent no. 8 submits that the structure that is standing on the roof of the first floor is a temporary structure. The same has been constructed only for protecting the roof from the elements of nature.
6. Having heard the learned advocates appearing for the respective parties, I am of the view that since a proceeding has already been initiated by the municipal authority, the same must be brought to a logical conclusion. However, the municipal authorities shall take note of the submission made by the private respondent while deciding the cause.
7. It is made clear that the petitioner shall not be permitted to participate in any inspection. The above direction is passed taking note of the fact that the building in question is the residence of the respondent nos. 7 and 8.
8. With the above direction and observation the writ petition is disposed of.
9. All parties shall act on the basis of server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)