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17.12.2025
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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 11961 of 2025

Dr. Purna Chandra Maity
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Bikash Goswami
Mr. Chittaranjan Panda
Mr. Osman Gani Mallick
Ms. S. Saha
Ms. Shatabdi Bhattacharya

..For the petitioner.

Mr. Vijay Agarwal

..For the State.

Mr. Vimal Kumar Shahi
Ms. Susmita Chatterjee

...For Kolkata Municipal Corporation.

1. Affidavit of service filed in Court is taken on record.
2. The petitioner would complain that a 10 ft. wide municipal road which is adjacent to the petitioner's premises has been encroached by the private respondents by constructing stair step leading to the residence of the private respondents.
3. Learned advocate for the petitioner would contend that the stair step is around 2 ft. in width which has the effect of leaving only 8 ft. open space on the municipal road.
4. Though, the private respondent is not represented despite service, the municipality is present in Court and

has placed before this Court an inspection report to demonstrate that an inspection has already been carried out and the width of the road abutting on the northern side of the premises no. 45/2E, Rani Harsha Mukhi Road, Kolkata 700 002, ward no.4, Borough I, is 10 ft. throughout the frontage of the premises as per record. Let a copy of the report be taken on record.

5. Though, prima facie, it does not appear that there has been any encroachment, I am of the view that the matter can be disposed of by directing the municipal authorities to depute a responsible officer to carry out a fresh inspection in presence of the parties and if it is found upon such inspection 10 ft wide passage is available throughout frontage of the aforesaid premises, no further steps may be necessary in this regard. However, the inspection report thereof may be circulated to the parties. On the contrary, if it is found that the said road has been encroached and the road has come down below 10 ft., appropriate steps be taken in accordance with law.

6. With the above observations and directions, the writ petition is disposed of.

7. Let copy of the report filed by the State be also taken on record.

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.)