

24.06.2025.  
Item No. 10.  
Court No. 13  
ap

**M.A.T. No. 905 of 2025**  
**With**  
**I.A. No. CAN 1 of 2025**

**Tapas Kumar Manna**  
**Versus**  
**Kolkata Municipal Corporation & Ors.**

Mr. Partha Sarathi Bhattacharyya, Id. Sr. Adv,  
Mr. Raju Bhattacharyya.  
...For the appellant.

Mr. Biswajit Mukherjee,  
Ms. Gulnaz Quraishi.  
...For the KMC.

Mr. Bratin Kumar Dey,  
Ms. Anjana Banerjee.  
...For the respondent no.11.

1. Affidavit-of-service filed in Court today be taken on record.
2. The instant intra court appeal is directed against the judgment and order dated 12<sup>th</sup> June, 2025 passed by a learned Single Judge of this Court in W.P.A. No. 7868 of 2025.
3. It appears from the impugned order and the arguments of the respective Counsels and the records that the appellant is the owner of ground and second floors of the building in question comprising in ground plus two floors. The first floor is owned by the respondent no.11.
4. On a complaint lodged by the respondent no.11, certain unauthorized construction made by the

appellant was demolished by the Kolkata Municipal Corporation.

5. The appellant now claims that the respondent no.11 has also herself effected unauthorized construction in the said building.

6. The allegations of the appellant are wholly denied by the Counsel appearing on behalf of the respondent no.11.

7. The learned Single Judge disposed of the writ petition directing the Kolkata Municipal Corporation to conduct an inspection of the said premises and take steps in accordance with the Kolkata Municipal Corporation Act, 1980.

8. Mr. Bhattacharyya, learned Senior Advocate appearing on behalf of the appellant would argue that the Kolkata Municipal Corporation while conducting inspection of the said premises, as directed by the Single Judge, should be guided by the plan annexed to the Registered Deed of Conveyance of the respondent no.11 as well as the appellant.

9. As explained by Mr. Mukherjee, learned Counsel appearing on behalf of the Kolkata Municipal Corporation, the property is about 100 years old and at the relevant point of time, the plan annexed to the Registered Deed of Conveyance were the sole criteria and guiding factors for constructing the said building. He further submits that the property has been

included within the jurisdiction of Kolkata Municipal Corporation only in the year 1980.

10. Having regard to the above and the specific allegation on the part of the appellant that the respondent no.11 has altered the entry position of the bathroom from the northern to eastern side located in the first floor of the said premises which according to the appellant has obstructed access to the second floor, the Kolkata Municipal Corporation shall address the same, in course of their inspection.

11. In course of inspection, Kolkata Municipal Corporation shall be guided by the plan annexed to the Registered Deed of Conveyance of the respondent no.11 and the appellant.

12. The parties may submit their respective documents to the Inspector nominated by the Director General (Building) of the Kolkata Municipal Corporation for the said purpose. The inspection i.e. fixed today shall stand deferred.

13. Let the inspection of the said premises be conducted and completed within a period of two weeks from date.

14. Let consequential steps be taken by the Kolkata Municipal Corporation in accordance with the Kolkata Municipal Corporation Act, 1980.

15. With the aforesaid directions, the instant intra court appeal shall stand disposed of.

16. In view of disposal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand disposed of.

17. There will be no order as to costs.

18. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

***(Rajasekhar Mantha, J.)***

***(Ajay Kumar Gupta, J.)***