

11.12.2025
Ct. 3
Item No.
AD 14
Saswata

WPA 13835 of 2025
Krishnendu Paul
Versus
The State of West Bengal & Ors.

Ms. Sujata Mukherjee

...For the petitioner

Mr. Sandipan Banerjee

Mr. Dwijadad Chakrabarti

...For Kolkata Municipal Corporation

Mr. Rabindranath Bag, Sr. Adv.

Ms. Anima Das Chakrbaroty

...For the State

1. Affidavit of service filed in Court today is retained with the record.
2. The petitioner claims that he is the owner of a self contained residential flat on the second floor of a G+IV storied building at premises no. 67/1A, Ramakanta Bose Street, P.S.Shyampukur.
3. According to the petitioner, since the 3rd floor of the building was unauthorized, the municipality has demolished the same. By reasons of the aforesaid demolition the petitioner is, however, facing difficulties inasmuch as the roof of the petitioner's flat has been exposed to the elements of nature.
4. According to the learned advocate appearing for the petitioner, the petitioner seeks leave to not only repair her roof but also the roof which the municipality had demolished which is admittedly unauthorized.
5. I have considered the materials on record, and have also noted the photographs appearing at page 45 of the writ petition. Prima facie, it would appear

that the roof of the floor above the petitioner's flat has been demolished for not complying with the statutory provisions. The petitioner has no legal right to repair the portion which has been demolished pursuant to the order passed by the municipality since the same is unauthorized.

6. If the petitioner has any cause of action, the same is against the developer, this Court cannot permit the demolished portion to be repaired simply because the same is exposing the roof of the petitioner's flat to the elements of nature.
7. With the above observation and direction, the writ petition stands disposed of.
8. Disposal of the writ petition shall not stand in the way of the petitioner to take steps against the developer if so advised. The petitioner may also make appropriate application before the Corporation for allowing the petitioner to repair the outlet of water on the roof of the second floor, if they aren't any. Such repair must be supervised by the Corporation and the same must be documented by retaining a report from a responsible Engineer of the Municipality.
9. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)