

Court No. 15
(265781)

WPA 15802 of 2024

06.01.2025

(A 27)

(S. Banerjee)

Ashis Kumar Roy

Vs.

Kolkata Municipal Corporation & Ors.

Mr. Sanjoy Bose

Mr. Priyankar Basu Mallick

Mr. Sayandeep Chanda

...for the petitioner

Mr. Alak Kumar Ghosh

Mr. Gopal Chandra Das

...for the KMC

The Court is not satisfied with the petitioner's intention in filing this writ petition. It is undisputed that the petitioner is not a local resident of the area where the alleged unauthorised construction has taken place. Furthermore, the petitioner has failed to demonstrate any personal concern regarding the unauthorised construction.

However, the learned advocate representing the petitioner submits that an unauthorised construction may be brought to the attention of the authorities by any responsible citizen, and such a citizen may also maintain a writ petition seeking the demolition of such construction.

According to the report filed by the Corporation, the Corporation granted a sanction plan for the

construction of a G+4 building at premises No. 285, Rabindra Pally, Block D, Ward No. 101, Borough XII, under the Kolkata Municipal Corporation, in favor of one Balaram Das, the constituted attorney of Respondent Nos. 6 and 7. The Corporation issued the sanction based on the relevant land records pertaining to Dag No. 279, Khatian Nos. 94 and 97, JL No. 29, Mouza-Patuli.

Following a duly conducted inspection, the Corporation confirmed that the construction was completed according to the approved sanction plan, and the building is partly occupied.

The schedule to the development agreement, at page 32 of the writ petition, reveals that Dag Nos. 263, 269, and 264 were converted into RS Dag No. 279. The learned advocate for the petitioner, however, submits that respondent nos. 6 and 7 does not hold ownership of Dag No. 269, although he acknowledges ownership of Dag Nos. 263 and 264 by the said respondents. It has also been submitted that Dag No. 279 has been partially acquired by the State.

There is limited scope for this Court to engage with the allegations raised by the petitioner in the present case. The Court is not in a position to

adjudicate the rights, title, and interest of Respondent Nos. 6 and 7 over the relevant properties.

Additionally, the petitioner has filed a title suit before the competent civil court to challenge the ownership rights over Plot No. 269. Given these circumstances, I am not inclined to entertain this writ petition, particularly when it is evident that the construction in question was carried out in accordance with the sanction plan granted by the Corporation.

Accordingly, WPA 15802 of 2024 is dismissed.

Let the report filed by the Corporation be kept on record.

(Kausik Chanda, J.)