

29.10.2025
Sl. No.26
tkm

W. P. A. 19564 of 2025

[Sadhan Banerjee & Ors -Vs- Kolkata Municipal Corpn. & Ors.]

Mr. Hemanta Kr. Das
... .. for the petitioners

Mr. Debjit Mukherjee
Ms. Priyanka Jana
... .. for the KMC
Ms. Sharanya Chatterjee
... .. for respondent no. 9

Mr. Narayan Prasad Ghosh
... .. for respondent nos. 7 & 8

- 1 The petitioners have preferred the present petition being aggrieved by the inaction on the part of the respondents in not considering and disposing of the petitioners' representations dated 14.06.2025 and 25.06.2025, wherein the petitioners alleges illegal and unauthorized construction being carried at premises no. 38D, Raj Krishna Chatterjee Road, PS Kasba, Kolkata within Borough VII of Kolkata Municipal Corporation, at the instance of private respondent nos. 7 and 8.
- 2 It is the case of the petitioners that they are the owners of the entire first floor measuring 1135 sq. ft. of covered area, containing a super built-up area of 1419 sq. ft., together with one car parking space at the ground floor of the said

premises. The private respondent nos. 7 and 8 who are residing at the third floor, have allegedly constructed a brick wall to convert an open space in the ground floor into a covered garage, inspite of the fact that no such covered garage is found in the sanctioned plan. Moreover, the said private respondents have installed a metal gate and have put a padlock over the same in the common passage obstructing the free ingress and egress of the petitioners.

- 3 It is further submitted that as per sanctioned building plan no such covered garage exists on the ground floor and that the private respondents are illegally encroaching upon the said area. In addition, the said private respondents have unlawfully denied access to the petitioners to the roof of the building by constructing an iron gate on the staircase, thereby preventing the petitioners from accessing the common terrace where their water tank and other essential amenities are installed.
- 4 Learned counsel for the petitioners further submits that due to inaccessibility and obstruction caused by the installation of the said iron grill on the staircase, the petitioners

have been unable to clean and maintain the water tank situated on the terrace, resulted in the ill health of the petitioners' grand children.

- 5 Being aggrieved by the aforesaid acts of unauthorized construction and illegal installation of iron grill on the common staircase, the petitioners had submitted representations dated 14.6.2025 and 25.6.2025 before the respondent corporation. However, no action has been taken on the said representations till date.
- 6 Learned counsel for the respondent corporation has handed over a copy of the status report dated 04.09.2025 filed by the Executive Engineer (C) Building Department under Borough VII, wherein it is observed that there is an existing G+III residential building. After the inspection, it was found that the parking space has been encroachment upon by constructing a brick wall and installing a rolling steel shutter without obtaining permission from the respondent corporation. It has also been noted that the mandatory open space in front and the side of the premises has similarly been encroached upon.
- 7 Learned counsel for the corporation states that a notice has already been served upon the private respondents. He further assures this

court that necessary action in terms of the said notice dated 04.09.2025, shall be taken within a period of six weeks in accordance with law and the corporation shall conclude the proceedings within the said period, after affording an opportunity of hearing to the petitioners as well as all other stake holders, including the private respondents.

- 8 Learned counsel for the private respondent nos. 7 and 8 assures this court that they will grant the petitioners access to the terrace to enable them to clean the water tank and to use and enjoy the common areas without any obstruction.
- 9 With the above directions, present writ petition is disposed of.

(Gaurang Kanth, J.)