

05
16.12.2025
Court. No. 40
Jayanta

CPAN/1814/2025
MALAY KUMAR GANGULY SINCE
DECEASED REPD BY LINA GANGULY
AND ANR
VS
BIKASH KUMAR ROY
In
SA/59/2009
LINA GANGULY AND ORS
VS
REBA CHATTERJEE AND ANR
+
IA NO: CAN/12/2025,
+
CAN/13/2025,
+
CAN/14/2025

Adv. Srikanta Dutta
Adv. Rituparna Sarkar Dutta
... for the Appellant No. 1.

Sr. Adv. Ashok Banerjee
Sr. Adv. Chama Mookherjee
Adv. Anujit Mookherjee
Adv. M. Chatterjee

... for the Respondent No. 3.

1. CPAN 1814 of 2025 is filed alleging violation of the order passed by the Coordinate Bench in CAN 6336 of 2014 order dated 3rd February, 2017.
2. The allegation of the petitioner is that the Respondent No. 3 flouted the sanction plan passed by the Kolkata Municipal Corporation.
3. It is submitted that in terms of the aforesaid order the Coordinate Bench insisted on construction to be made in accordance with the sanctioned plan.

4. In case of violation or transgressing of the periphery of the sanctioned plan, the proper remedy is to approach the Kolkata Municipal Corporation for such flouting. This extraordinary jurisdiction cannot be invoked where other remedy is available.
5. In terms of the aforesaid order the Coordinate Bench did not assume on this Court the rigorous task which is supposed to be exercised by the civic body, namely, Kolkata Municipal Corporation.
6. Accordingly, CPAN 1814 of 2025 is disposed of.
7. Heard both sides.
8. The matter is treated as *heard-in-part*.
9. Let the matter be listed on 23rd December, 2025 for further hearing.

(Sugato Majumdar, J.)