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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26172 of 2025

Suraj Prakash Bathwal
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Pratip Mukherjee
Mr. Avishek Guha
Mr. Subhajit Das
... For the petitioner.

Mr. Biswajit Mukherjee
Mr. Dwijadas Chakraborty
... For KMC

1. Affidavit of service filed in Court is taken on record.
2. The petitioner would complain that the petitioner had applied before the municipal authorities on 8th September, 2025 for certain repairing works at premises no. 23B, Radha Madhab Dutta Garden Lane, Kolkata – 700 010, Ward No. 33, Borough 3, which includes 1) plastering of walls, inside and outside, 2) repair of damage floor, 3) damage of tin shed, 4) repairing of doors and windows and colour washing and painting and though the municipal authorities by their response in writing dated 8th September, 2025 had observed that no permission is necessary in terms of Rule 3(2) of the Kolkata Municipal Corporation Building Rules, 2009 (hereinafter referred to as the “said Rule”), however, all on a sudden a stop work notice has been issued on 23rd October, 2025.

3. According to the learned advocate for the petitioner, though, the petitioner had made a representation on 5th November, 2025 for revoking the stop work notice the municipal authorities are sitting tight over the matter and have taken no steps in this regard.

4. Mr. Mukherjee, learned advocate appears for the municipal authorities.

5. Having heard the learned advocates appearing for the respective parties and noting from the submissions made by the learned advocate for the petitioner that the aforesaid stop work notice has been issued in a mechanical manner without holding any inspection and also noting that the stop work notice has been issued without any further steps in this regard by the municipal authorities, I am of the view in the fitness of the things it would be prudent to direct the municipal authorities to carry out an inspection of the aforesaid premises upon prior notice to the petitioner and take a decision on the stop work notice and the subsequent steps to be taken by the municipal authorities as expeditiously as possible, preferably within a period of two weeks from the date of communication of this order.

6. It is made clear that if no infractions of the said rules are noted, the stop work notice shall be withdrawn. On the contrary if the said Rules are found to be violated, appropriate steps shall be taken by the municipal authorities.

7. With the above observations and directions, the writ petition is disposed of.

Urgent Photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)