

01.12.2025.
Item Nos. 11 & 12.
Court No. 13
ap

M.A.T. No. 2057 of 2025
With
I.A. No. CAN 1 of 2025

Sushanta Roy
Versus
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Omar Faruk Gazi,
Mr. Rishabh Ahmad Khan.
...For the appellant.

Mr. Debjit Mukherjee,
Mr. Suman Singh.
...For the State.

Mr. Abu Jafar,
Mr. S. Maiti.
..For the respondent nos.11 & 12.

Mr. Surajit Nath Mitra, ld. Sr. Advocate,
Mr. Soumyadeb Sinha.
...For the respondent nos.14 to 18.

Mr. Rajarshi Dutta,
Mr. Debabrata Chandra.
...For the respondent no.19.

Mr. Alak Kumar Ghosh, ld. Sr. Advocate,
Mr. Arijit Dey.
...For the KMC.

With

M.A.T. No. 2058 of 2025
With
I.A. No. CAN 1 of 2025

Manjir Ghosh
Versus
The State of West Bengal & Ors.

Md. Sarwar Jahan,
Mr. K. M. Hossain,
Ms. Shalini Sen,
Ms. Sahina Parvin.
...For the appellant.

Mr. Pradip Kumar Mondal,
Ms. Kalpita Paul.
...For the State.

Mr. Abu Jafar,
Mr. S. Maiti.
...For the respondent no.20.

Mr. Surajit Nath Mitra, Id. Sr. Advocate,
Mr. Soumyadeb Sinha.

...For the respondent nos.12 to 16.

Mr. Satyajit Talukdar,
Mr. Arindam Chatterjee.

...For the KMDA.

Ms. Sonal Sinha,
Mr. Sandipan Das.

...For the respondent no.19.

Mr. Meghajit Mukherjee.

...For the respondent no.17.

Mr. Alak Kumar Ghosh, Id. Sr. Advocate
Ms. Tanushree Dasgupta.

...For the KMC.

1. These appeals are directed against an order dated 18th November, 2025 passed by a learned Single Judge of this Court in two several writ petitions being W.P.A. No. 26574 of 2024 (Sushanta Roy – Vs. – The State of West Bengal & Ors.) and W.P.A. No. 22848 of 2025 (Manjir Ghosh – Vs. – The State of West Bengal).

2. The grievances of the writ petitioner in these two writ applications are that unauthorized construction is going on premises No.2, Rani Rashmoni Garden Lane, Ward No.57, Kolkata – 700 015. The learned Single Judge of this Court has directed the Executive Engineer (Civil) Buildings, Borough-VII, Kolkata Municipal Corporation to file a fresh report in addition to one already filed on Court on the date of the order. Certain parameters have been indicated in the order by the Executive Engineer to follow.

3. The admitted position before the learned Single Judge and this Court is that the private respondents, owners and persons interested in premises No. 33A/3,

Canal South Road, Kolkata – 700 015 are not being charged by the appellants/writ petitioners. They are engaged in independent construction of a 26 storied building on the said premises No. 33A/3, Canal South Road, Kolkata – 700 015.

4. Learned Senior Advocate, Mr. Ghosh, appearing on behalf of Kolkata Municipal Corporation submits that the persons constructing on premises No.33A/3, Canal South Road, Kolkata – 700 015 have a duly sanctioned plan in their favour.

5. Having regard to the above, this Court is of the view that the premises No.33A/3, Canal South Road, Kolkata – 700 015 is not the subject matter either of these two writ petitions or the appeal before this Court. They may continue with their construction strictly in terms of the sanction plan issued by the Kolkata Municipal Corporation and the applicable Rules thereunder.

6. However, in so far as premises No.2, Rani Rashmoni Garden Lane, Ward No. 57, Kolkata – 700 015 is concerned, this Court finds absolutely no reason to interfere with the directions passed by the learned Single Judge of this Court in respect of such property.

7. This Court, however, directs the Officer-in-charge, Tangra Police Station to ensure that there is no construction whatsoever on premises No.2, Rani

Rashmoni Garden Lane, Ward No. 57, Kolkata – 700 015 at all by any person whatsoever.

8. The aforesaid order of injunction shall be subject to any final decision that the learned Single Judge may take in the two subject writ petitions pending before it.

9. At the requests of the appellants, Tangra Police Station may post a police picket at the said premises situated at No.2, Rani Rashmoni Garden Lane, Ward No. 57, Kolkata – 700 015 at the costs of the appellants.

10. With the aforesaid directions, these two appeals are disposed of.

11. In view of disposal of these appeals, all the pending connected applications are also disposed of.

12. There will be no order as to costs.

13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)