

OD-24

WPO/242/2025
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Original Side

MD. SAMIR

-Versus-

KOLKATA MUNICIPAL CORPORATION & ORS.

Before:

The Hon'ble JUSTICE GAURANG KANTH

Date: 26th June, 2025.

Appearance:

Mr. Sumitava Chakraborty, Adv.

Mr. Aditya Mondal, Adv.

Mrs. Bratati Pramanick, Adv.

..for the petitioner.

Mr. Swapan Kumar Debnath, Adv.

Mr. Mihir Kundu, Adv.

..for the Kolkata Municipal Corporation.

Ms. Sukla Das Chandra, Adv.

..for the State.

The Court: The petitioner has preferred the present writ petition, being aggrieved by inaction on the part of the respondent-Kolkata Municipal Corporation in failing to take appropriate steps to stop the unauthorised construction being carried out at premises no. 25, Dr. Kartik Bose Street, Kolkata, allegedly at the instance of the private respondent.

It is the case of the petitioner that the private respondent is raising the illegal and unauthorised construction at the aforesaid premises allegedly without any valid sanctioned plan from Kolkata Municipal Corporation.

It is the submission of the petitioner that he had filed a representation dated 24th March, 2025, drawing the attention of the authorities to the ongoing illegal construction. However, no substantive action has been taken by the Corporation in response to the said grievance.

Learned counsel for the respondent Kolkata Municipal Corporation has appeared and placed a report, which is taken on record. The report indicates that upon receipt of a complaint, the concerned department conducted a site inspection of the aforementioned premises. During the inspection, it was found that person responsible covered mandatory open space partially by constructing cantilever at ground floor to 5th floor, which is in deviation from the sanctioned building plan dated 23.08.2021. Thereafter, the corporation served stop work notice under Section 401 of the KMC Act, 1980 on 16.03.2025 and simultaneously informed the local police station on the same date.

Based on the inspection, a D-Sketch plan along with all relevant papers and infringement statement has been sent to the higher authority for obtaining valuable opinion and approval to initiate proceedings under suitable sub-Section of Section 400 of the KMC Act, 1980. The report further states that although a sanctioned building plan exists, the private respondent is carrying out unauthorised construction in deviation of the such sanctioned plan.

In the light of the developments and the steps already initiated by the respondent authorities, the petitioner's representation dated 24th March, 2025 stands substantially addressed, and no further cause of action survives for adjudication in the present writ petition. However, since the process initiated by the Corporation is yet to be concluded, this Court directs the respondent authorities to bring the said proceedings to their logical conclusion at the earliest, strictly in accordance with law and upon due application of mind.

With the above direction, the present writ petition is disposed of.

(GAURANG KANTH, J.)