

OD-32

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/478/2025

DEVANG BADANI
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 18th September, 2025

Appearance:
Mr. Shounak Mukhopadhyay, Adv.
Ms. Rituparna Chatterjee, Adv.
...for petitioner
Mr. Sandipan Banerjee, Adv.
...for KMC
Mr. Arnab Dutt, Adv.(VC)
Mrs. Laoni Dey, Adv.
...for respondent no.7
Ms. Nilofer Siddique Alam, Adv.
...for State

The Court : The writ petitioner has filed the present writ petition challenging the inaction of the respondents in not taking any steps for demolition of the alleged unauthorised construction taking place at Premises no.41A, Brajo Dulal Street, Kolkata, at the instance of the private respondent no.7.

It is the submission of the learned counsel for the petitioner that he is the immediate next neighbour of the private respondent. Due to the alleged unauthorised construction undertaken by the private respondent,

the petitioner is being deprived of adequate sunlight and proper ventilation. Pursuant thereto he had lodged complaints before the respondent Municipality which had temporarily halted the construction for a few days, but later the construction resumed and the private respondent is carrying out the unauthorised construction.

The petitioner states that he had made several representations before the respondent authorities but the same have not been acted upon. He had made his last representation on 30th May, 2025.

Learned counsel for the respondent-KMC Mr. Sandipan Banerjee states that they are ready and willing to decide the petitioner's representation dated 30th May, 2025. Learned counsel for the petitioner states that he shall be satisfied if the same is considered within a time-bound manner.

In view of the same, this Court directs the respondent no.4, Executive Engineer, Building Department, Borough IV and V, Kolkata Municipal Corporation to decide the petitioner's representation dated 30th May, 2025 within a period of 8(eight) weeks from the date of communication of this order, strictly in accordance with law, after affording an opportunity of personal hearing to the petitioner and the private respondent or its authorised representative, by way of a speaking order.

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

Since the affidavits have not been called for, allegations in the petition are not deemed to have been admitted.

Learned counsel for the State has submitted a report. The same is taken on record.

(GAURANG KANTH, J.)

SN.
AR(CR)