

OD-04

WPO/493/2025
THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

Estate of Raja Sir Radha Kanta Deb Bahadur
Versus
The Kolkata Municipal Corporation & Ors.

Before:
The Hon'ble JUSTICE RAJA BASU CHOWDHURY
Date: 13th November 2025

Appearance:
Mr. Souvick Mitra, Advocate
Ms. Shetparna Ray, Advocate
For the petitioner
Mr. Gopal Chandra Das, Advocate
Ms. Susmita Chatterjee, Advocate
for the KMC
Mr. Mukti Chandra Ghosh, Advocate
for the State

The Court: 1. The present writ petition has been filed, inter alia, praying for a direction upon the municipal authorities to demolish the unauthorised construction carried out illegally by the private respondents at premises no.2, Raja Naba Krishna Street, Ground Floor, Kolkata – 700005.

2. From the report filed by the municipal authorities in Court today it would transpire that during an inspection it was noted that unauthorised construction of RCC slab at the ground floor roof level and A.C. Shed roof with brick wall at the first floor roof level without taking any permission from the Kolkata Municipal Corporation has been carried out. The report further reveals that a stop work notice

has been issued under section 401 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as “the said Act”). The report says that the matter has been forwarded to the higher authority to process the case under section 400 of the said Act.

3. Learned advocate representing the private respondents would, however, submit that he has already prayed for regularisation of the above portion. He would further submit that he is an occupier in the said premises.

4. Having heard the learned advocates representing the parties and noting that the petitioner claims that the aforesaid property is debattor property and petitioner is the trustee of the estate of Raja Sir Radha Kanta Deb Bahadur and no permission had been granted to the private respondents to construct and carry out any illegal construction, I am of the view that the municipal authorities should forthwith take steps to consider and dispose of the proceedings pending before them. Though, learned advocate for the private respondents has contended that a civil suit is pending, I am of the view that the cause of action of the civil suit and the writ petition are different. The petitioner is entitled to proceed against the municipal authorities to enforce its rights and ensure that the illegal construction that has been carried out is removed and the municipal authorities are duty bound and obliged to remove such illegal construction, in accordance with law.

5. In view of the above, I direct the municipal authorities to take a decision in the matter pending before them and bring the same

to a logical conclusion as expeditiously as possible, preferably within a period of 16 weeks from the date of communication of this order. Though the private respondents have contended that an application for regularisation is pending, no decision has been placed before this Court as regards the same. The report is also silent with regard to such development. Without going into such aspect, in my view, it shall be prudent to direct the municipal authorities to consider the same in accordance with law. It is made clear that while deciding such application for regularisation the municipal authorities shall first consider whether the private respondents, at the first instance, had the permission to carry out any construction at the said premises from the landlord, as in absence of such permission no construction is permissible, consequentially, no regularisation thereof also can be made.

6. The writ petition is accordingly disposed of.

(RAJA BASU CHOWDHURY, J.)

R. Bose