

OD-12

WPO/565/2025
THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

Subrata Ghosh
Versus
The Kolkata Municipal Corporation & Ors.

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

Appearance:
Mr. Abhimanyu Banerjee, Advocate
Mr. Alope Chatterjee, Advocate
Mr. Arghya Mullick, Advocate
for the petitioner

Mr. Gopal Chandra Das, Advocate
Ms. Susmita Chatterjee, Advocate
for the KMC

Mr. Anirban Ray, Sr. Advocate
Mr. Shayak Mitra, Advocate
Mr. S. Sinha, Advocate
Mr. J. Gangapadhyay, Advocate
Mr. S. Chatterjee, Advocate
for the respondent nos.8

Mr. Debangshu Dinda, 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 illegal construction made on the behest of the respondent nos.8 and 9 and to consider the representation dated 25th June 2025.

2. Mr. Banerjee, learned advocate representing the petitioner would submit that the petitioner has made a complaint as regards the illegal construction at Municipal Holding No.79, Beliaghata Road, P.O.

Nowbhangra, Kolkata – 700015 as also Municipal Holding No.68, Beliaghata Road, P.O. Nowbhangra, Kolkata – 700015 within the municipal limits of Ward No.57 of the Kolkata Municipal Corporation. According to the petitioner, the private respondent nos. 8 and 9 have started unauthorised construction on the petitioner's land by encroaching onto its property. The petitioner is, however, not aware whether the construction that has been carried out has the sanction of the municipal authorities.

3. Mr. Ray, learned advocate representing the respondent nos. 8 and 9 would submit that a civil suit is pending in respect of the above property. The petitioner has no interest in the property in question. He would also submit that at present no construction has been carried out.

4. Having heard the learned advocates representing the respective parties, I find that the private respondent nos. 8 and 9 dispute the title and interest of the petitioner in the property in question. However, since an allegation of illegal construction has been made, I think it would be prudent to direct the municipal authorities to decide on the petitioner's complaint. It is made clear that the municipal authorities while deciding the matter shall do so upon giving opportunity of hearing to both the parties. It is expected that the decision in this regard shall be made in accordance with law as expeditiously as possible, preferably within a period of eight weeks from the date of communication of this order. It is also made clear that decision to be taken in this regard shall be restricted to the complaint

of illegal construction, if any, and shall not interfere with the title and interest of the respondent nos.8 and 9 in any manner whatsoever.

5. The writ petition is accordingly disposed of.

(RAJA BASU CHOWDHURY, J.)

R. Bose