

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction (Contempt)
ORIGINAL SIDE

WPO/723/2025
SACHINDRA NATH KARMAKAR
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:

The Hon'ble JUSTICE RAJA BASU CHOWDHURY

Date : 23rd December, 2025.

Appearance:
Mr. Raghunath Chakraborty, Adv.
Mrs. Amrita De, Adv.
Mr. Mohana Das, Adv.
..for the petitioner.
Ms. Tapati Samanta, Adv.
..for the state.

1. This present writ petition has been filed complaining illegal construction at premises no. 14C, Bechu Chatterjee Street, Kolkata -700009. According to the petitioner, the private respondents had previously commenced a construction at the said premises. However, it is with the intervention of the Hon'ble Court vide order dated 20th June, 2017, such illegal construction was demolished.

2. Subsequently, however, the private respondents have taken a sanctioned building plan and in the guise of constructing in accordance with the sanctioned building plan, have covered up the mandatory open place which is adjacent to the petitioner's premises.

3. The private respondents are represented and would submit that the construction that is going on is in accordance with the sanctioned building plan, though an additional 30-40 square feet has been constructed beyond the

sanctioned building plan for which an appropriate application for regularization has also been filed.

4. Copy of the sanctioned building plan under Rules 3(2) and 141 of the Kolkata Municipal Corporation Building Rules, 2009 is taken on record.

5. The representation made by the respondent for regularization of the additional constructed area made vide undated representation received by the Municipality on 21st August, 2025 is also taken on record.

6. Municipal authorities have, however, carried out an inspection and have been able to identify that the person responsible has covered the mandatory open place and accordingly the municipal authorities had issued a stop work notice under section 401 of the Kolkata Municipal Corporation, 1980, on the respondents on 15th September, 2025, and the factum of issuance of such notice was also communicated to the police authorities. Let the report filed in Court today be taken on record.

7. Having regard to the submissions made on behalf of the learned advocate representing the respondents and upon perusal of the report of the Municipality and the records, it would prima facie appear that the private respondents are in the habit of carrying out illegal construction. Previously, illegal construction had also been undertaken by the private respondents. The same was demolished at the instance of the petitioner, through the intervention of this Court. Again in the guise of carrying out the repair works, the private respondents have violated the building rules and have encroached upon the mandatory open space.

8. Though an application for regularization has been filed with the municipal authorities, I am of the view that there is no scope for regularization to be issued in favour of a habitual offender.

9. Having regard thereto, I direct the municipal authorities to forthwith take steps in accordance with law to ensure that the municipal rules are complied with, and initiate the appropriate steps for removal of the unauthorized construction within twelve weeks from the date of communication of this order.

10. The writ petitioner is accordingly disposed of.

(RAJA BASU CHOWDHURY, J.)