

09.03.2026
sayandeep
Sl. No. 05
Ct. No. 03

WPA 671 of 2026

Sri Suman Karmakar
Vs.
The KMC & ors.

Mr. Kallol Basu
Mr. Biswarup Mukherjee
Ms. Madhujita Ritwika
Mr. Tanmoy Kar
Ms. Shreejita Sen

..... for the petitioner

Mr. Debjit Mukherjee
Ms. Priyanka Jana

.... For the KMC

Mr. Shuvanil Chakraborty
.... For the private respondent Nos. 4 & 5

1. The present writ petition has been filed, inter alia, praying for a direction upon the respondents to produce the original sanction building plan prior to 1985 of both premises being premises No. 183 and 183A Jagatpur Sisir Bagan Road, Kolkata 700034 showing the common passage. The petitioner has also prayed for direction so as to direct the municipality to demolish and/or remove the construction obstructing the 4 ft. wide common passage.
2. Upon going through the materials on record, I find that a complaint has been lodged by the petitioner on 4th December, 2025 addressed to the Executive Engineer. The municipality as also the private respondents are represented in Court today. The municipality has filed a report and would submit that

the department has issued a sanctioned building plan for construction of a three storied residential building vide sanction building permit No. 2025130063 dated 21st August, 2025. According to such report, the premises abuts to a 3.5 mtr. wide blacktop road towards Southern side, and a 1.2 mtr. wide passage on the Western side. The boundary profile of the plot and the passage seems to be in existence from long back. The report further records the recently the departmental site inspection was carried out and it was observed that the boundary profile, passage and work done so far more or less tallies with sanctioned plan.

3. Having regard to the above and having heard the learned advocates appearing for the respective parties and though Mr. Basu learned advocate representing the petitioner would insist that the municipality should carry out a detailed survey and find out and remove the illegal encroachment on the 4ft. wide common passage, I am of the view having regard to the disclosure made by the municipality, it shall not be appropriate for this Court to direct the municipality to enter upon a roving enquiry. If the petitioner has any cause of action insofar as the private respondents are concerned independent of the municipality, such cause cannot conveniently adjudicated before the

Hon'ble Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India.

4. This jurisdiction of the Court also cannot be utilized for the petitioner to fish out evidence.
5. Noting that the construction is being carried out by the private respondents in accordance with the sanction building plan, I am of the view, no interference is called for at this stage.
6. With the above observations and directions, the writ petition is disposed of.
7. The above order shall not interfere with the other rights of the petitioner or the private respondents to enforce the same in accordance with law.

(Raja Basu Chowdhury, J.)