

Ct.No.1 D/L 04.02.2026
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Saikat
Mukherjee

WPA(P)/9/2026
with
CAN/1/2026

RAJA CHATTERJEE
VS.
KOLKATA MUNICIPAL CORPORATION AND ORS.

Mr. Sayan Banerjee, Adv.
Ms. Priya Sisgar, Adv.

...For the Petitioner

Ms. Sipra Mazumdar, Adv.
Ms. Momasree Dey, Adv.

...For the State

Mr. Vimal Kr. Shahi, Adv.
Ms. Ina Bhattacharyya, Adv.

...For the KMC

Mr. Kamalesh Bhattacharyya, Adv.
Mr. Syed Shafi Ahmed, Adv.
Mr. Syed Neaz Ahmed, Adv.

...For Respondent No.10

Mr. Mohinor Rahaman, Adv.
Ms. Iqra Rahaman, Adv.

...For the Added Respondent

Per, **Sujoy Paul, CJ.**

In Re: CAN 1 of 2026

1. This is an application for addition of party at the instance of Applicant Nos.1 to 7, particulars of whom have been mentioned in Page-4 of the instant I.A. who are represented by their duly constituted attorneys, namely, Abdul Nazir and Shamsheer Ali Sardar, particulars of whom have also been mentioned in Page No.5 of the instant I.A.

2. In course of hearing, Mr. Rahaman, learned counsel, at the very outset took us to prayer (a) of the instant writ petition and submitted that the present applicants are the owners/occupiers of Premises No.173, Picnic Garden Road, Kolkata-700039 and in the instant writ petition some unfounded allegations have been made. It is further submitted that for effective adjudication of the instant writ petition present the Applicant Nos.1 to 7 through their constituted attorney, namely, Abdul Nazir and Shamsheer Ali Sardar by made party respondent.
3. Learned counsel appearing on behalf of the writ petitioner raises no objection.
4. On careful consideration of entire material before us we find sufficient justification in the submission of Mr. Rahaman. Accordingly, prayer is allowed.
5. Consequently, the Applicant Nos.1 to 7, who are represented by their duly constituted attorney particulars of which has been mentioned in Paragraph No.4 of the instant I.A., be arrayed as party-respondent.
6. Department is directed to carry out necessary corrections in the cause title of the instant writ petition in terms of this order.
7. With the aforementioned observation, I.A No.CAN 1 of 2026 is **disposed of**.

In Re: WPA(P) 9 of 2026

8. At this stage, learned counsel for KMC produced a report dated 17th January, 2026, sanctioned by Officers and Executive Engineer (Civil)/Bldg/Br-VII stating that upon physical inspection of subject premises, it was found and recorded that a five-storeyed building structure had been erected by certain persons without obtaining any sanctioned building plan from KMC in utter violation of provisions of KMC Act, 1980. In the said report it is informed that proceedings under sections 400/401 of KMC Act, 1980, have already been initiated against the erring persons and a stop-work order was also issued. In addition, an FIR was registered under section 401(A) of KMC Act, 1980, regarding the said illegal construction. It is also informed by the learned counsel for KMC that the proceedings under sections 400/401 are pending before the competent authority.
9. During the course of hearing, learned counsel for the parties agreed that this PIL may be disposed of by directing the competent authority to conclude the proceedings u/sections 400/401 in accordance with law within the stipulated time and during the said hearing, erring persons who have allegedly unauthorisedly constructed the building may be permitted to put forth their defence.
10. In view of consensus arrived at, this PIL is disposed of by directing the competent authority under sections 400/401 of the Act to conclude the proceedings in

accordance with law by hearing the parties affected and pass an appropriate order in accordance with law.

11. The entire exercise to be completed within 60 days.
12. If after adjudication the said authority comes to a conclusion that construction was illegal and against the provisions of KMC Act, 1980, it shall be his duty to ensure demolition of such construction in accordance with law.
13. This order will not come in the way of the police authorities to act on the FIR filed under section 401A of the KMC Act.
14. With aforesaid and without expressing any opinion on merits, the PIL is **disposed of**.
15. However, learned counsel for KMC undertakes to supply copy of the report to all the counsel appearing in the matter during the course of the day.
16. Similarly, learned counsel for petitioner undertakes to serve a copy of the instant writ petition upon Mr. Rahaman, learned counsel for added respondent in course of the day.
17. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)