

13.01.2026
Ct. 3
Item No.
ML 89
sayandeep

WPA 1203 of 2025

Smt. Saraswati Shaw & anr.
Versus
The KMC & Ors.

Mr. Nirmalya Dasgupta
Mr. A. Biswas
Mr. D. Dey

.... For the petitioners

Mr. N. C. Bihani, Sr. Adv.
Ms. Debangana Dey

....for the KMC

1. The affidavit-of-service filed in Court today is taken on record.
2. Despite service, the private respondent is not represented.
3. Complaining illegal construction at premises No. 350/A, Roy Bahadur Road, P.S. and P.O. Behala, Kolkata 700053 and the failure on the part of the municipal authorities to take appropriate action on the basis of the petitioners' complaint dated 19th December, 2024, the instant writ petition has been filed.
4. Ms. Dey, learned advocate representing the KMC would submit that she is yet to receive instruction in the matter.
5. Having heard the learned advocates appearing for the respective parties, I am of the view that the municipal authorities should forthwith act on the

basis of the petitioners' complaint and carry out an inspection at the locale upon notice to the parties. For the time being, the petitioners may not be invited for the inspection, though the report thereof must be supplied to the petitioners. The municipal authorities on the basis of the inspection report and the documents as may be filed by the parties, and its own records, must decide on the issue as to whether any illegal construction is being carried out at the premises in question by passing a reasoned order. If any illegal construction is detected, appropriate action shall be initiated in accordance with law. The entire process in this regard must be concluded within a period of 6 weeks from the date of communication of this order. It is made clear that if the municipal authorities are of the view that no illegal construction is being carried out, the matter need not be proceeded further.

6. Since, this Court has not called for affidavits, the allegations made in the writ petition are deemed not to have been admitted by the respondents.
7. Accordingly, the writ petition is thus disposed of.

(Raja Basu Chowdhury, J.)