

17.02.2026
Ct. 3
AD 23
Saswata

WPA 1339 of 2026
Enamul Haque Molla
Versus
State of West Bengal & Ors.

Mr. Saptarshi Kr. Kundu

...For the petitioner

Ms. Sonal Sinha

Ms. Manisha Nath

...For the KMC

Mr. Mohan Kumar Sanyal

Ms. Saira Banu

...For the State

1. Affidavit of service filed in Court today is retained with the record.

2. Copy of the instruction as placed before this Court by the learned advocate for the KMC and the copy of the sanctioned building plan are retained with the record.

3. Complaining illegal construction at premises no. 101 ward no. 142, Borough XV under Rajabagan Police Station, at the behest of the private respondent no. 8, the instant writ petition has been filed.

4. Learned advocate appearing for the KMC submits that there is an existing sanctioned building plan in respect of the plot in question though there are certain deviations.

5. Mr. Kundu, learned advocate appearing for the petitioner while responding to the above would submit that the municipal authorities could not have issued the sanctioned building

plan in respect of the plot in question which is in itself a pond.

6. Having heard the learned advocates appearing for the respective parties, I do not find that the petitioner has filed any application seeking cancellation of the sanctioned building plan. Accordingly, there is no scope to entertain the instant writ petition and / or pass any orders and the same is dismissed.

7. The aforesaid order shall, however, not interfere with the rights of the municipality to take steps against the private respondent insofar as deviation of the sanctioned building plan is concerned.

8. The aforesaid order shall not interfere with the rights of the petitioner to question the sanctioned building plan, if so advised.

9. Since, no affidavit has been called, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

(Raja Basu Chowdhury, J.)