

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present :

The Hon'ble Justice Raja Basu Chowdhury

**WPA 1851 of 2026
Sambhu Das
Versus
The Kolkata Municipal Corporation & Ors.**

For the petitioner : Mr. Sumitava Chakraborty
Mr. Aditya Mondal
Mr. Washim Akthir Dafadar

For the State : Mr. Sandipan Banerjee
Mr. Saurav Chaudhuri

For the State : Mr. Diapnkar Das Gupta

Heard on : 17.02.2026.

Judgment on : 17.02.2026

Raja Basu Chowdhury, J (Oral):

1. Challenging the order passed in demolition case no. D/Case No. 36-D/III/25-26, in relation to premises no.131/H/10, Raja Rajendralal Mitra Road, Beliaghata, Kolkata, Borough-III, the instant writ petition has been filed.
2. Learned advocate appearing for the petitioner would, however, candidly submit that though the petitioner has a remedy before the Tribunal, he has approached this Court as the

petitioner has not been served with a copy of the order passed by the Special Officer (Building), Kolkata Municipal Corporation in terms of the provisions of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the “said Act”).

3. Learned advocate for the Kolkata Municipal Corporation is present in Court. He has placed before this Court a report dated 8th January 2026 which is duly countersigned amongst others by the Executive Engineer (C), Building Department, Borough III, Kolkata Municipal Corporation prepared in connection with WPA 1188 of 2025 (Sunny Rajak), which had incidentally been filed complaining illegal construction at premises no.137/H/10, Raja Rajendralal Mitra Road, Beliaghata, Kolkata. The same is retained with the record.

4. From the aforesaid report, it would transpire that an unauthorized construction without any sanctioned plan from the KMC authority had commenced. Upon receiving a complaint, a departmental inspection was carried out on 25th June, 2024 and it was found that one Sambhu Das has constructed a four (IV) storied unauthorized RCC building without having sanction from the municipality. The report further reveals that the building remains fully occupied. A stop work notice was also issued under Section 401 of the said Act on 25th June, 2024 and the intimation thereof was duly forwarded to the police authorities. A copy of the report is retained with the record.

5. Heard the learned advocates appearing for the respective parties and considered the materials on record. I find that the petitioner claims that he had only taken preventive steps to secure the building by carrying out repair work and no construction work was carried out. However, while responding to a query of this Court, the learned advocate appearing for the petitioner, could not place before this Court or disclose particulars of any sanctioned building plan or any permit issued by the municipality authorising the work.

6. In the light of the above, since the petitioner could not demonstrate that the construction/repair work was with the sanction of the municipality, I am of the view that no interference is called for in exercise of discretionary remedy available under Article 226 of the Constitution of India.

7. If the petitioner is aggrieved by any steps taken by the municipal authorities, the petitioner has appropriate remedy before the Municipal Building Tribunal.

8. With the above direction and observation, writ petition is dismissed without any order as to costs.

9. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)