

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3201 of 2026

Suraj Prakash Bathwal
Versus
Kolkata Municipal Corporation & Ors.

Mr. Pradip Mukherjee
Mr. Avishek Guha
Mr. Subhajit Das
... For the petitioner.

Mr. Biswajit Mukherjee
Mr. Dwijadas Chakraborty
...For Kolkata Municipal Corporation.

1. The present writ petition has been filed, *inter alia*, challenging the stop work notice dated 23rd October, 2025 and the police intimation given on 29th October, 2025. According to the petitioner, the municipal authorities without carrying out an inspection in presence of the petitioner and/or without putting the petitioner on notice has issued the aforesaid stop work notice.
2. In this context, reliance has been placed on an order passed by this Court on 15th December, 2025 in WPA 26172 of 2025 whereby this Court had directed the municipal authorities to carry out an inspection of the premises upon prior notice to the petitioner and take a decision on the stop work notice issued in such matter.

3. Having heard the learned advocates appearing for the parties, it transpires that the aforesaid stop work notice was earlier challenged in WPA 26172 of 2025 whereupon this Court was, inter alia, pleased to pass the following order:

“Affidavit of service filed in Court is taken on record.

The petitioner would complain that the petitioner had applied before the municipal authorities on 8th September, 2025 for certain repairing works at premises no. 23B, Radha Madhab Dutta Garden Lane, Kolkata – 700 010, Ward No. 33, Borough 3, which includes 1) plastering of walls, inside and outside, 2) repair of damage floor, 3) damage of tin shed, 4) repairing of doors and windows and colour washing and painting and though the municipal authorities by their response in writing dated 8th September, 2025 had observed that no permission is necessary in terms of Rule 3(2) of the Kolkata Municipal Corporation Building Rules, 2009, however, all on a sudden a stop work notice has been issued on 23rd October, 2025.

Though the petitioner had made a representation on 5th November, 2025 the municipal authorities are sitting tight over the matter and taken no steps in this regard.

Mr. Mukherjee, learned advocate appears for the municipal authorities.

Having heard the learned advocates appearing for the respective parties and noting that from the submissions made by the learned advocate for the petitioner that the aforesaid stop work notice has been issued in a mechanical manner without holding any inspection and also noting that the stop work notice has been issued without any further steps in this regard by the municipal authorities, I am of the view in the fitness of the things it would be prudent to direct the municipal authorities to carry out an inspection of the aforesaid premises upon prior notice to the petitioner and take a decision on the stop work notice and the subsequent steps to be taken by

the municipal authorities as expeditiously as possible, preferably within a period of two weeks from the date of communication of this order.

It is made clear that if no infractions of the rules are noted, the stop work notice shall be withdrawn. On the contrary if the Building Rules are found to be violated, appropriate steps shall be taken by the municipal authorities.

With the above observations and directions, the writ petition is disposed of.

Urgent Photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.”

4. There has been no favourable change of circumstances for the petitioner to approach this Court once again especially when the previous challenge made by the petitioner to set aside the stop work was in effect turned down though with certain directions. Report filed by the municipal authorities in Court today, would clearly demonstrate that joint inspection was carried on at the locale on 18th February, 2026. As per the attendance sheet disclosed, it is apparent that the petitioner had remained absent. It further appears that the proceedings have already been initiated under Section 400 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the said Act). Since, the municipality is now adjudicating the case of alleged illegal construction under the provisions of Section 400 of the said Act, in my view, it shall not be appropriate for this Court to interfere in the pending proceedings.

5. The writ petition is accordingly disposed of with a direction upon the municipal authorities to conclude the proceedings on an expeditious basis preferably within a period of eight weeks from the date of communication of this order. The timeline hereinabove is peremptory.

(Raja Basu Chowdhury, J.)