

18.03.2026
sayandeep
Sl. No. 04
Ct. No. 03

WPA 3600 of 2024
Sri Somnath Das
Vs.
The KMC & ors.

Mr. Sudipta Dasgupta
Mr. Baibhav Roy

..... for the petitioner

Mrs. Sima Chakraborty
Mr. Mihir Kundu

.... For the KMC

1. On 25th February, 2026 when this matter was taken up for consideration, this Court was pleased to pass the following order:

“The affidavit-of-service filed in Court today is taken on record. Despite service, the private respondent is not represented.

Alleging construction of illegal pucca structure with asbestos sheet at premises No. 2 Rabindra Nagar (Mahendra Banerjee Road), ward No. 129, Borough XIV and the failure on the part of the municipal authorities to take adequate steps in the matter, the present writ petition has been filed.

The writ petitioner would complain that the Rabindranagar Sporting Club without any sanctioned plan has constructed on the petitioner’s premises and is interfering with the right of the egress and ingress with the petitioner’s premises. It is submitted that the private respondent being the club is politically influential and has by dint of such illegal authority trespassed on the petitioner’s house and had even assaulted the petitioner and his family members. Although, complaint has been lodged, the municipality has done very little in

the matter. The municipality is represented. The learned advocate representing the municipality has submitted that a departmental inspection has been carried out and a stop work notice has been issued under Section 401 of the said Act dated 5th December, 2023. A joint inspection had been held on 6th February, 2024, a revised D/sketch plan has been prepared and the D/case file was placed before S.O(B) for further hearing. The learned advocate for the municipality, however, could not enlighten this Court as to whether the Special Officer Building has taken any steps in the matter.

Having regard to the peculiar state of affairs prevailing, I direct the municipality to disclose the name of the Special Officer Building with whom at present the file is pending. It is made clear if the particular Special Officer Building has failed to take steps in the matter, the matter should be reassigned before any other Special Officer Building and the same should brought to a logical conclusion as expeditiously as possible preferably but not later than 3 weeks from the date of communication of this order. The municipality must file a detailed report on the returnable date.

List this matter on 18th March, 2026."

2. Pursuant to the aforesaid direction, the municipal authorities have filed a report dated 12th March, 2026 which is taken on record. From the aforesaid report, it would transpire that neither the person responsible nor the complainant were present in course of the hearing which was fixed on 19th September, 2024.

Following the above, an order has been passed by the special Officer Building on 26th February, 2026. Since the final order has already been passed, without going into the corrections thereof, I am of the view nothing survives in the present writ petition.

3. Accordingly, the writ petition accordingly stands disposed of.

(Raja Basu Chowdhury, J.)