

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4776 of 2026

Surajit Rakshit & Ors.
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Saumyen Datta
Mr. Sudhar Kumar Sadhukhan
Ms. Moumita Basak
... For the petitioners.

Mr. Biswajit Mukherjee
Ms. Sima Chakraborty
For Kolkata Municipal Corporation.

Mr. Haradhan Banerjee
Mr. Md. Narul Haque
Mr. Suresh Kumar Sahoo
Mr. Manabendra Thakur
.... For the respondent nos. 5 to 10

1. Affidavit of service filed in Court is taken on record.
2. The present writ petition has been filed inter alia praying for a direction upon the respondent authorities to cancel and/or revoke the sanctioned building permit, being no.2024050008 of 2024 in respect of premises no. 169A, Bipin Bihari Ganguly Street, P.S. Muchipara, Kolkata – 700012.
3. The petitioners claim to be the tenants in respect of the aforesaid property. The petitioners claim that by mis-declaration the private respondent nos. 5 to 10 have obtained the sanctioned building plan. Although a representation has been made by the petitioners before

the municipal authorities for cancellation of the building plan, no steps have been taken by the municipal authorities.

4. Mr. Mukherjee, learned advocate appears on behalf of the municipal authorities. He has drawn attention of this Court to the representation dated 26th April, 2025, addressed to the Director General (Building) and Executive Engineer. According to him, the aforesaid does not constitute to be an application for cancellation of the building plan under Section 397 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the “said Act”).

5. Mr. Banerjee, learned advocate representing the respondent nos. 5 to 10, by placing before this Court a copy of the Title Suit, being T.S. 130 of 2026, pending before the learned Judge, XIIIth Bench, City Civil Court, at Calcutta would submit that the petitioners had for an identical relief applied before the learned City Civil Court for a decree for declaration that the petitioners are the lawful tenants in respect of the aforesaid premises and for an order restraining the defendant from undertaking any demolition and construction work at the aforesaid premises. Although, by an order no.4 dated 3rd February, 2026, the learned Court had directed the engineer commissioner to carry out an inspection and file a report, the hearing of the injunction application was deferred till the receipt of the report of the engineer commissioner, however, before the report was filed since, it was

suggested by the learned advocate representing the parties that the matter would be settled, no further order has been passed.

6. Having regard to the above and noting that the petitioners have already approached the civil forum, ordinarily, in my view at this stage, especially when the petitioners have failed to make an appropriate application under Section 397 of the said Act, no relief can be granted to the petitioners. However, at the same time if the petitioners do apply before the appropriate authority in accordance with law the application to be filed, if any, shall be taken into consideration by the municipal authorities and be decided on merits subject to any determination to be made by the Civil Court.

7. 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.

(Raja Basu Chowdhury, J.)