

Item No.16 & 17
11.05.2026
Court. No. 12
GB

MAT 374 of 2026
With
CAN 1 of 2026

With

MAT 449 of 2026
With
CAN 1 of 2026

Tapan Roy (Paul)
Vs.
The State of West Bengal & Ors.

*Mr. Biswarup Biswas,
Mr. Satrajit Sinha Roy*

...for the Appellant.

*Mr. Alak Kumar Ghosh,
Ms. Manisha Nath*

...for the K.M.C.

In Re: MAT 374 of 2026

1. We are inclined to interfere with the order of the learned Single Judge dated February 17, 2026, passed in WPA 28733 of 2025.
2. In this writ petition, the appellant had challenged the vires of the Kolkata Municipal Corporation (Regularization of Building) Regulations, 2015, on the ground that the same was contrary to the very scheme of the Kolkata Municipal Corporation Act as also the legal mandate laid down by the Hon'ble Apex Court, prohibiting regularization of rampant unauthorized constructions.
3. We find that His Lordship had dismissed the writ petition on the ground that the same was not

maintainable in view of the order passed in WPA 5473 of 2025 on February 17, 2026.

4. As the appellant had challenged the vires of a particular regulation, the cause of action is separate and distinct.
5. Under such circumstances, the order impugned is set aside. The writ petition is remanded for consideration on the issue of validity of the regulations as raised by the appellant.
6. Mr. Ghosh's contentions with regard to the validity of the regulations are not gone into, as we are of the view that His Lordship will decide all such issues.
7. Accordingly, the appeal and the connected application are disposed of.

In Re: MAT 449 of 2026

8. We are not inclined to interfere with the order dated February 17, 2026, passed in WPA 5473 of 2025, in view of the fact that His Lordship has rightly held that the order of the Special Officer (Building) of the Kolkata Municipal Corporation can be assailed by way of a statutory appeal under the law.
9. This is a situation where the appellant is aggrieved by the factual findings of the Special Officer (Building).

10. We do not find any challenge either to the authority of the Special Officer (Building) or the procedure followed by the Special Officer (Building), which would warrant interference by a writ court in judicial review.
11. Accordingly, the appeal and the connected application are dismissed.
12. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)