

Form No.J(2)

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

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 5066 of 2026

**M/s. ABCI Infrastructure Pvt. Ltd. & Anr.
Versus
The State of West Bengal & Ors.**

For the petitioners : Mr. Saptansu Basu, Sr. Advocate
Mr. Mainak Bose, Sr. Advocate
Mr. Sankarshan Sarkar
Mr. Ritoban Sarkar
Ms. Sanskriti Agarwal
Mr. Binay Kumar Jain

For the Kolkata : Mr. Nilotpal Chatterjee
Municipal Corporation Ms. Tanushree Dasgupta

For the State : Mr. Sovan Mukherjee
Ms. Sneha Chatterjee

Heard on : 19.03.2026, 20.04.2026, 27.04.2026,
12.05.2026 and 22.06.2026

Judgment on : 22.06.2026

Raja Basu Chowdhury, J (Oral):

1. The instant writ petition has been filed, inter alia, challenging the issuance of a Notice Inviting Tender to the extent of construction of toilet-cum-urinal with water connection facilities at 59 Palm Avenue,

Kolkata – 700019 in Ward No. 65, Borough-VII (hereinafter referred to as the “said property”).

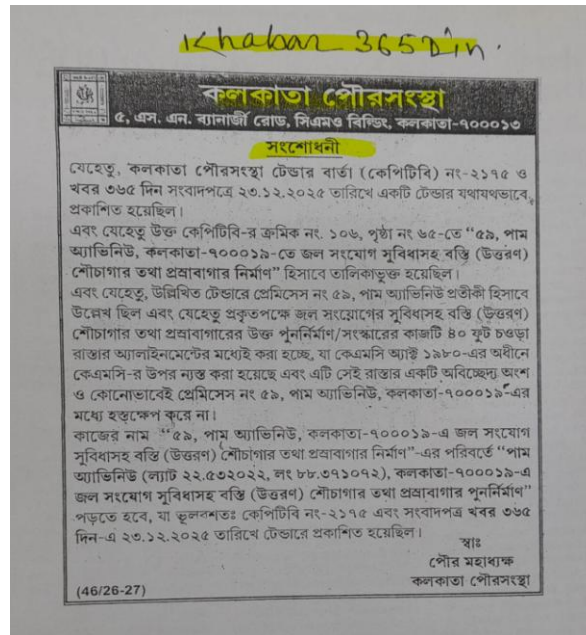
2. When this matter was initially moved on 19th March, 2026, this Court upon hearing the case made out by the petitioner no.1 who claims to be the recorded owner in respect of the said property that no construction or development work can be undertaken by the Kolkata Municipal Corporation (KMC) within the petitioners’ property without the petitioner no.1’s express permission and no such permission having been given, had directed the Director General, Uttaran Services Department, KMC to file a report before this Court when the matter is taken up next.

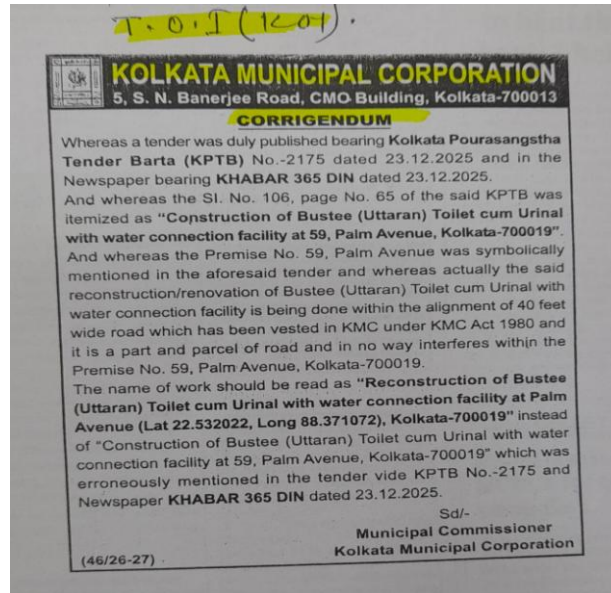
3. In furtherance to the above, Director General, Uttaran Services Department KMC has filed a report.

4. From the perusal of the aforesaid report it would appear that a survey was conducted and as per the report of the Survey Department, KMC, the land in question is within the alignment of 40 feet wide road and it is a part and parcel of road. It was also indicated in such report that the Premises No.59, Palm Avenue is only indicated in the narration of work as the MLA of the area has allotted fund from his BEUP scheme against the prefixed narration of work “Construction of Bustee (Uttaran) Toilet cum Urinal with water connection facility at 59, Palm Avenue, Kolkata – 700019 in Ward No.65, Borough-VII.” It has also been stated in the aforesaid report that the work is being undertaken in public interest at the place where there was an existing urinal. However, since, on the said date, Mr. Chatterjee, learned advocate

representing the KMC, on instruction, submitted that having regard to the practical difficulties faced by the municipality for executing, the work order issued in furtherance to the Notice Inviting Tender dated 23rd December, 2025 in respect of construction of Bustee (Uttaran) Toilet cum Urinal with water connection facility at 59, Palm Avenue, Kolkata – 700019 in Ward No.65, Borough-VII, by reasons of incorrect address noted in the work order as the address noted in the work order belongs to a private individual, the municipality is contemplating corrective measures, this Court had adjourned the matter.

5. In furtherance thereto, the municipality has filed a report dated 9th June, 2026. In the said report it has been indicated that a corrigendum has been published by the KMC in the two daily newspapers, namely Times of India (Kolkata) and Khabar 365 Din on 26th May, 2026. To morefully appreciate the publication made in the local daily, the same is extracted hereinbelow:





6. As would appear therefrom, by this corrigendum that work of a construction of Bustee (Uttaran) Toilet cum Urinal with water connection facility at 59, Palm Avenue, Kolkata – 700019 in Ward No.65, Borough-VII was only symbolically mentioned in the above tender and the actual work was being carried out on the 40 feet wide road.

7. From the above it is clear that the municipality does not intend to carry out any construction work at 59, Palm Avenue, Kolkata – 700019, and it is also admitted by the parties that 59, Palm Avenue, Kolkata – 700019, belongs to a private individual, being the petitioner no.1.

8. Having regard thereto, ordinarily no tender could have been published identifying the address of a private individual as a place for constructing a public utility service. Though the municipality now

seeks to claim that the identification of the address was only symbolic, however, having regard to the fact that when the tender has been published several tenderers may have participated, in my view the aforesaid corrigendum belatedly issued cannot seek to regularize the construction of public utility service on a private individual's property. This apart, considering inherent defect in the tender, I am of the view that there is no scope for the municipality to continue with the same. Accordingly, the Notice Inviting Tender dated 23rd December, 2025 in respect of the construction of Bustee (Uttaran) Toilet cum Urinal with water connection facility at 59, Palm Avenue, Kolkata – 700019, stands quashed. All consequences shall follow.

9. It is made clear that this order shall not interfere with the rights of the municipality to carry out any development work. It is also clarified that though Mr. Chatterjee had tried to impress that construction was actually been carried out outside the said property, however, having regard to the specific identification of the property in the tender, I am unable to accept such contention of Mr. Chatterjee and to remove all further complications, the tender has been quashed.

10. With the above observations and directions the writ petition stands 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.)

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A.R. (Court)