D/L.12.
November 26, 2026.
KAUSHIK

WPA No. 6388 of 2026

Barun Roy Chowdhury
Vs.
Kolkata Municipal Corporation & Ors.

Mr. Debojyoti Deb
Ms. Somdyuti Parikh
Ms. Indrani Roy
Mr. H. K. Jha
… for the petitioner

Mr. Alok Kumar Ghosh
Ms. Ina Bhattacharya
… for the KMC

1. Affidavit of Service, as filed, be kept with the record.
2. Briefly, the writ petitioner approached this Court seeking directions to the respondents nos. 1 and 2 to grant sanction of the building plan in connection with the premises situated at 10, Bose Para Road, KMC Ward No. 123, Kolkata – 700 008, corresponding to Plan Case No. 2025160163.
3. Learned advocate appearing on behalf of the petitioner submits that the writ petitioner duly applied for sanction of a ‘G+4’ storied residential building of height 15.425 meters over a land area of 702.341 square meters. However, due to non-consideration of

the application for sanction of the building plan in respect of the said premises, the writ petitioner filed a representation before the authority on 3 February, 2026, which remains unattended. Being aggrieved, the instant writ petition has been filed, and the petitioner is entitled to the relief prayed for in the instant writ petition.

4. The learned advocate appearing on behalf of KMC placed a report before this Court. From the report, it appears that, at the behest of the private respondent herein, a title suit, being T.S. No. 682 of 2023, has been filed and is pending before the 7th Court of Civil Judge, Senior Division at Alipore. However, no injunction order has been passed in the said suit. It is further submitted that, in the said title suit, the private respondent herein/plaintiff therein duly prayed for partition of the premises in question.

5. After considering the submissions of the writ petitioner, this Court is of the opinion that this writ petition can be disposed of by directing the respondent nos. 2 and 3 to consider

the representation dated 3 February, 2026 within twelve weeks from the date of communication of this order, after affording an opportunity of hearing to all necessary and interested parties, and to pass a reasoned order. The order so passed shall be communicated to the parties two weeks thereafter.

6. Hence, the writ petition stands disposed of without any order as to costs.
7. However, this Court makes it clear that it has not addressed the merits of the case. The respondent Nos. 2 and 3 are at liberty to consider the matter independently, strictly in accordance with the law.
8. As the affidavits have not been called for by the parties, the allegations in the writ petition are deemed denied.
9. Parties to act on the basis of the server copy of this order.
10. Urgent: certified photostat server copy of this order to be supplied to the parties upon compliance with all necessary formalities.

(Atarup Banerjee, J.)