25.11.2026
Ct. No. 444
Sl. No.123
RANJAN

WPA 10339 of 2026

SRI DIPAK GHOSH
VS.
THE STATE OF WEST BENGAL & ORS.

Mr. Sanjib Bandyopadhyay
Mr. Ashok Kumar Singh
Ms. Dipanwita Mistri

.....for the petitioner

Mr. Gopal Chandra Das
Ms. Ananya Das

.....for the KMC

Mr. Anirban Majumder

.....for the private respondents

Affidavit of Service, as filed, be kept with the record.

Briefly, the case of the writ petitioner is that a large illegal and unauthorised construction has been carried out at the behest of private respondents nos. 12 to 16 at premises no. P-106, Pashupati Bhattacharjee Road, Borough-XIV, Ward No. 121.

The representation to that effect has been filed; considering the same, the concerned Kolkata Municipal Corporation duly issued a notice under Section 401 of the Kolkata Municipal Corporation Act, 1980, to the

person responsible. Even thereafter, the private respondents are giving indulgence with regard to the illegal construction carried out.

Learned Counsel appearing on behalf of the petitioner submits that, even after the issuance of notice under Section 401 of the Kolkata Municipal Corporation Act, 1980, the private respondents are indulging in illegal and unauthorised construction in the concerned premises.

Being aggrieved, the instant writ petition has been filed seeking a direction to the authority to initiate appropriate proceedings in accordance with law.

Learned Counsel appearing on behalf of the private respondents denies and disputes each and every allegation in the writ petition. He further submits that although there is a notice under Section 401 of the Kolkata Municipal Corporation Act, 1980, there is no illegality in the construction raised by him.

Learned Counsel, appearing on behalf of the Kolkata Municipal Corporation, in his usual fairness, submits that they will endeavor to issue the appropriate proceeding under Section 401 of the Kolkata Municipal Corporation Act, 1980.

Considering the submissions made by the parties and after appreciation of the records in the writ petition, this Court is of the opinion that this writ petition is disposed of by directing the Executive Engineer, Borough-XIV, to initiate appropriate proceedings consequent to the notice under Section 401 of the Kolkata Municipal Corporation Act, 1980, including the representation filed by the petitioner, after giving an opportunity of hearing to all necessary and interested persons, within 12 weeks from the date of communication of this order, and to pass a reasoned order.

The reasoned order so passed by him be communicated within two weeks thereafter to all the interested parties.

However, it is clear that this Court has not gone into the merits of this case. The concerned Executive Engineer will have the authority to consider the representation, and any steps to be taken as a consequence of a notice under Section 401 of the Kolkata Municipal Corporation Act, 1980, will be issued strictly in accordance with law.

Parties to act on the basis of the server copy.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with necessary formalities.

[ATARUP BANERJEE, J.]