D/L.133.
November 25, 2026.
KAUSHIK

WPA No. 10658 of 2026

Md. Tanzeem & Anr.
Vs.
The Kolkata municipal Corporation & Ors.

Mr. Indrajeet Dasgupta
Mr. Gourab Maiti
… for the petitioner

Mr. Aloke Kumar Ghosh
Mr. Saurav Chaudhury
Ms. Dipanwita Ganguly
… for the KMC

Mr. Dinesh Pani
… for the State

1. Affidavit of Service, as filed, be kept with the record.
2. None appears on behalf of the private respondent despite service being effected.
3. KMC and the State respondent are represented.
4. Briefly, the case of the writ petitioner is that, in terms of the memorandum dated 27 March, 2015, the Controller, Kolkata Thika Tenancy, issued a 'No Objection Certificate' (NOC) under Section 5 of the West Bengal Thika Tenancy (A & R) Act, 2001, and the Rules framed thereunder, addressed to the Executive Engineer, Building Department, Thika Cell, Kolkata

Municipal Corporation (KMC), granting a licence to construct only a G+1 building. However, it is found that, instead of a G+1 building, a G+4 building has been constructed at the behest of the private respondents herein. Being aggrieved, the petitioner filed a representation before respondent no. 4 on 14 March, 2026, but it remains unaddressed.

5. The learned advocate appearing on behalf of the petitioner submits that the Controller of Thika Tenancy duly issued an NOC addressed to the Executive Engineer, Building Department, Thika Cell, KMC, granting permission only for a G+1 building to be constructed at premises no. 8/1/1A, Tanti Bagan Lane, Kolkata – 700 014. However, it appears that, at the behest of the private respondents, a G+4 building has been constructed, which is completely illegal and unauthorized. As a result, the writ petitioner was compelled to file a representation before the appropriate authority on 14 March, 2026, but it remains unattended.

Accordingly, the instant writ petition is filed seeking a direction upon respondent no. 4 to consider the representation dated 14 March, 2026, in accordance with law.

6. The learned advocate appearing on behalf of the KMC denies and disputes each and every allegation in the writ petition. In his usual fairness, he further submits that Respondent No. 4 will make every possible endeavor to consider the representation within a reasonable period of time.

7. After considering the submissions of the respective parties, this writ petition may be disposed of by directing respondent no. 4 to consider the representation dated 14 March, 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 three weeks thereafter.

8. Hence, the writ petition stands disposed of without any order as to costs.
9. However, this Court makes it clear that it has not gone into the merits of the case. The respondent No. 4 is at liberty to consider the same independently, strictly in accordance with law.
10. As the affidavit has not been called for by the parties, the allegations in the writ petition are deemed denied.
11. Parties to act on the basis of the server copy of this order.
12. Urgent: certified photostat server copy of this order to be supplied to the parties upon compliance with all necessary formalities.

(Atarup Banerjee, J.)