

21.04.2026
Sl. No. ML49
Ct.3.
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20138 of 2025

Gopal Das
Versus
Howrah Municipal Corporation & Ors.

Mr. Sumitava Chakraborty,
Mr. Bijoy Bag,
Ms. Bratati Pramanik,
... For the Petitioner.
Mr. K. K. Chakraborti,
Mr. Aman Gupta,
Mr. Ishan Bhattacharya,
.... For the Private Respondent No. 9.
Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
.... For the Howrah Municipal Corporation.

1. Alleging illegal construction at the behest of the respondent no. 9, the instant application has been filed.
2. The petitioner complains that the respondent no. 9 has constructed two additional floors on the building which was originally sanctioned as a G+1 storied building.
3. Record would reveal that since then the Municipality had carried out an inspection and filed a report.
4. As per the said report it would transpire that there is an existing building at 70/6 Sastri Narendranath Ganguly Road, Borough – VI. The same comprises of ground floor with mezzanine floor, first floor and second floor. At present there

is no construction work going on. The building is an old building. The Municipality has been able to ascertain from its available office record that the building proposal was sanctioned in respect of the holding in favour of one Sri Prokash Chandra Chakraborty for ground floor, mezzanine floor and first floor vide sanction order dated 9th September, 2005.

5. The report emphasizes that the second floor is unauthorized. On 19th January, 2026 when the matter was taken up for consideration, the learned advocate for the private respondent has placed before this Court a revised building permit which had been apparently issued on 8th November, 2008.
6. From the aforesaid sanctioned plan it would transpire that the second floor had apparently been regularized. Copy of such plan was taken on record. On the aforesaid date this Court without going into the legality and/or validity of the sanctioned plan had permitted the petitioner to respond to the same. Today the learned advocate for the petitioner would submit that he is yet to be served with the copy of the plan and, as such, he could not file any response. While responding to a query from this Court the petitioner's advocate would submit that he had never called upon the private respondent to provide him with the copy of the plan.

7. Having regard to the state of affairs as prevailing, I am of the view, at this stage without going into the aforesaid issue and noting that the building is an old structure in my view, it shall not be prudent for this Court to embark upon an inquiry as regards the legality of the revised sanctioned building plan in respect to the second floor especially when the plan appears to have been issued in the year 2008 and bears the seal of Howrah Municipal Corporation.
8. The writ petition accordingly stands dismissed.
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.)