

22.06.2026
Ct. 3
Item No.
AD 8
Saswata

WPA 20994 of 2025

**Riaz Hossain
Versus
The Kolkata Municipal Corporation & Ors.**

Dr. Badal Singh
Mr. Brijesh Giri

...For the petitioner

Mr. Sovan Mukherjee
Ms. Sneha Chatterjee

...For the State

Mr. Vimal Kumar Shahi
Ms. Ina Bhattacharya

...For the KMC

Mr. K.A. Rahman

...For the respondent no. 9

1. Learned advocate appearing for the KMC places before this Court a report wherefrom it transpires that the department has already issued a sanction building plan.

2. The respondent no. 9 is also represented. By placing before this Court a copy of the plaint filed in Title Suit being TS 213 of 2024 before the Court of Learned Civil Judge (Jr. Division), 2nd Court at Sealdah, he submits that the respondent no. 9 as a co owner has filed the suit against the other co owners including the petitioner herein for a declaration that the defendants have no right or authority to dispossess the plaintiff being the respondent no. 9 and his family members from the suit property.

3. The petitioner is represented in Court.

4. Having heard the learned advocates appearing for the respective parties and considering that the order dated 8th June 2026 which authorizes the respondent no. 11 to carry out renovation work under the supervision of the municipal authorities on the basis of an undertaking to be filed in Court, appears to have been passed on the basis of suppression of material facts of not only the Title Suit but also the fresh sanctioned building plan which has been passed by the Municipality. As such, this Court without entering into the aspect as to how the municipal authorities could have proceeded to issue the sanctioned building plan and having regard to the pendency of the Title Suit, the petitioner is not entitled to any order at this stage.

5. Accordingly, the writ petition is dismissed without any order as to costs.

6. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)