

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present :

The Hon'ble Justice Raja Basu Chowdhury

**WPA 14977 of 2025
Amitava Mandi
Versus
The Kolkata Municipal Corporation & Ors.
with
WPA 21721 of 2025
CAN 1 of 2025
Brij Kishore Gupta
Versus
The Kolkata Municipal Corporation & Ors.**

For the petitioner in WPA 14977 of 2025 and For the Private respondent in WPA 21721 of 2025	:	Mr. Debanik Banerjee Mr. H. Shahid
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For the KMC in WPA 14977 of 2025	:	Mr. Srijan Nayak Mr. Dwijadas Chakraborty
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For the State in WPA 14977 of 2025	:	Mr. Sk. Md. Galib
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For the private respondent in WPA 14977 of 2025 and for the petitioner in WPA 1721 of 2025	:	Mr. D. Chatterjee Mr. R. Deb Goenka
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For the KMC in WPA 21721 of 2025	:	Mr. Sandipan Banerjee Ms. Debangana Dey
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For the State in WPA 21721 of 2025	:	Mr. Vimal Kr. Shahi Mr. Supriya Majumder
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Heard on : 18.02.2026.

Judgment on : 18.02.2026

Raja Basu Chowdhury, J (Oral):

1. The instant writ petition being WPA 14977 of 2025 (hereinafter referred to as the first writ petition) has been filed by the son of the tenant of the respondent no. 8 (hereinafter referred to as “the Landlord”). According to the petitioner in the first writ petition, the landlord / owner of 55/1 Bakul Bagan Road, Kolkata – 700025 has been carrying on illegal construction at the first floor of the above premises. According to the petitioner despite making complaints, the municipal authorities have not taken any steps. Hence, this writ petition.

2. The writ petition being WPA 21721 of 2025 (hereinafter referred to as the second writ petition) has been filed by the landlord, inter alia, challenging the notice dated 5th August 2025 issued under Section 401 of the Kolkata Municipal Act, 1980 (hereinafter referred to as the “said Act”) concerning premises no. 55/1 Bakul Bagan Road, Kolkata – 700025.

3. In the peculiar facts, both the matters are taken up together.

4. The municipality is represented and has filed a report. From the above report it would transpire that the person responsible concerning premises no. 55/1 Bakul Bagan Road, Kolkata 700025 had been carrying on unauthorized construction

of extension of RCC stair landing at the first floor level and had covered mandatory side open space by tin shedded structure of an existing two storied building without any sanctioned plan from the KMC authority. Following the aforesaid a notice under Section 401 of the said Act had already been issued.

5. Upon going through the materials on record, I find that the unauthorized construction is limited to extension of RCC stair landing at the first floor level only, as the rest is only temporary tin shed. In any event, it would also transpire from the disclosure made by the petitioner in the second writ petition by way of a supplementary affidavit which is taken on record that the municipal authorities had since regularized the above minor deviation against payment of retention fees. Considering the fact that the matter has since been closed by the municipality, I am of the view that no further order need to be passed in the matter.

6. With the above observations and directions, both the writ petitions stand disposed of.

7. CAN 1 of 2025 having becoming infructuous is also disposed of accordingly.

8. 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.)