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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23632 of 2025

Md. Obaidur Rahman & Anr.
Versus
Kolkata Municipal Corporation & Ors.

Mr. Dinendra Nath Chatterjee
Mr. P. S. Sengupta
... For the petitioners.

Ms. Sonal Sinha
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
... For the State.

Mr. Gopal Chandra Das
Ms. Ananya Das
... For Kolkata Municipal Corporation.

1. Affidavit of service filed in Court is taken on record.
2. The present writ petition has been filed, inter alia, praying for a direction upon the municipal authorities to stop the illegal construction commenced at the behest of the private respondent nos. 6 to 12, by cancelling the sanctioned building plan bearing no. 2023090098 dated 2nd March, 2024.
3. The petitioners would claim that they are the tenants in respect of 46 Dent Mission Road, P.S. Ekbalbore, Borough-9, Kolkata - 700 023. According to the petitioners, although the petitioners are bona fide tenants in respect of the aforesaid property, the

petitioners were dispossessed from the tenanted portion. Subsequently, the petitioners had filed an application under the provisions of Section 144(2) of the Code of Criminal Procedure before the learned Executive Magistrate at Alipore, against the respondent no.6. It is also the petitioners' case that the respondent no.6 with the help of men and agents had locked the petitioners inside the premises on 21st December, 2021. Somehow the petitioners have rescued themselves on 22nd December, 2021. The petitioners have subsequently filed civil suits before the learned Civil Judge (Junior Division) Alipore, which were registered as Title Suit No. 1522 of 2021, Title Suit No. 1553 of 2021 and Title Suit No. 1655 of 2021, inter alia, praying for declaration of tenancy right along with other consequential reliefs. It is a matter of record that the petitioners could not succeed in obtaining any ex parte ad interim order of injunction before the Civil Judge, (Junior Division) 5th Court at Alipore. Being aggrieved the petitioners had filed separate miscellaneous appeals challenging the refusal to grant ad interim order. Learned Additional & Sessions Judge, 10th Court, at Alipore had taken up the appeals and by a common judgment and order dated 30th April, 2022 dismissed the same. Following the above, three separate revisional applications were filed before this Court which were registered as C.O. 1454 of 2022, C.O. 1455 of 2022 and C.O. 2236 of 2022. The aforesaid revisional applications

were disposed of by a common order dated 5th November, 2024, with a direction upon the learned Civil Judge (Junior Division), 6th Court, Alipore, to dispose of the injunction application filed under Order 39 Rules 1 and 2 of the Code of Civil Procedure. The petitioners did not succeed in obtaining any interim order and are outside the suit property and/or the tenanted premises. The petitioners are, however, aggrieved with the factum of the municipality issuing sanctioned building plan for development of the above property.

4. From the disclosure made by the petitioners it is apparent that the construction that is going on at the locale is with the sanction of the municipal authorities. It is true that the sanctioned building plan could not have been issued by the municipal authorities without the concurrence of the tenants. However, in the instant case, the petitioners are yet to establish such fact. At no stage up to the High Court the petitioners could succeed in obtaining any interim order.

5. In the light of the above, at this stage, I am not inclined to interfere. The writ petition stands disposed of accordingly.

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.)