

19. 23.02.2026.
Court No.03.
(Pritam)

WPA 24348 of 2025.

Md. Noorul Amin @ Md. Nurul Amin.

-Vs.-

The State of West Bengal & Ors.

Mr. Srijib Chakraborty,
Mr. Subhajit Mukherjee,
Mr. Swakshar Kumar Mondal.

.....for the petitioner.

Mr. Biplob Majumder.

.....for the State.

Mr. Biswajit Mukherjee,
Ms. Gulnaz Quraishi.

.....for the KMC.

1. Affidavit-of-service filed in Court today is taken on record.
2. The present writ petition has been filed alleging illegal construction at the behest of the private respondent nos.10, 11 & 12 who are the brothers of the petitioner and also happened to be the co-owner in respect of premises No.295/2C, APC Road, Borough -IV, Ward No.28, Kolkata Municipal Corporation, Police Station - Narkeldanga, Kol-700009 (hereinafter referred to as the "said property").

3. According to the petitioner, the petitioner along with his three brothers, had acquired undivided interest in the said property by virtue of a Deed of Conveyance dated 19th July, 1989, which has duly been registered with the ADSR, Kolkata. According to the case made out by the petitioner though as per the schedule of the aforesaid property, the property comprised of 3 cottahs, 8 chittacks and 3 sq.ft. of land along with brick-built RT shed dwelling house standing thereat and situated and lying on the above premises, however, on a recent visit made by the petitioner on 19th September, 2025, the petitioner was astonished to find out that an illegal and unauthorized construction in the nature of G+1 storied tile shed over and above the premises is standing at the said property. The petitioner claims the above construction to be illegal.
4. Mr. Chakraborty, learned advocate representing the petitioner would submit that admittedly, there is no sanctioned building plan issued in respect of the aforesaid building. In any event no such sanctioned plan could have been issued since, the petitioner as a co-owner had never provided any consent for obtaining any sanctioned permit.
5. Although, the private respondents are not represented, however, considering the fact that the petitioner claims to be a co-owner in respect of the above property and on the showing on the petitioner, there existed a brick-

built RT shed dwelling house at the said property, and since from the complaint made by the petitioner, I find that the petitioner on 19th September, 2025 on his spot visit has found the alleged illegal construction to be of G+1 storied with RT shed tiles, I am of the view that no fruitful purpose would be served to refer the matter to the municipal authorities, since, it is not possible for the municipal authorities to ascertain whether the above construction was at all existing when the Deed of Conveyance was executed in the year 1989. No particulars have been disclosed in the complaint as to when the original construction had come up. The excuse provided by the petitioner for not disclosing the photographs of the locale does not appear to be a plausible one.

6. The petitioner claims to be residing in Burrabazar area and the above property is situated at APC Bose Road, Borough -IV, Ward No.28, Kolkata Municipal Corporation, Police Station, Narkeldanga, Kol-700009. As such, the case made out by the petitioner that there is an illegal construction, without the petitioner identifying the exact nature of the construction by disclosing the photographs thereof, this Court is not in a position to ascertain the veracity of the complaint. Accordingly, it is not possible to determine whether the matter is a private dispute, *inter se*, between the brothers. As such in the given facts, I am of the view

that the State machinery cannot be activated to settle private scores.

7. Accordingly, the writ petition fails and is dismissed.
8. Urgent Photostat certified copy of this order, if applied for, be supplied upon compliance of all formalities.

(Raja Basu Chowdhury, J.)