

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 25741 of 2024

Suraj Kamkar
Versus
The Howrah Municipal Corporation & Ors.

Mr. Satya Prakesh Shaw
Mr. Dev Kumar Sharma
... For the petitioner.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
... For Howrah Municipal Corporation

Mr. Joy Chakraborty
Mr. Sandip Dinda
.....for the Pvt. respondents

1. Complaining illegal construction at the behest of the private respondents at premises No. 27/1, Madan Biswas Lane, Ward No. 11, under HMC and the failure on the part of the municipal authority to resist the illegal construction, the instant writ petition has been filed. Pursuant to the order dated 24th March, 2026, the municipality has filed a report.
2. Mr. Banerjee, learned advocate for the HMC would submit that though the sanction was up to the 2nd floor level, the building in question has been constructed up to the G+6 thereby additional 4 floors have been constructed which are entirely illegal. The report also demonstrates that there is

deviation of the sanctioned plan on the 1st floor as well. The aforesaid would demonstrate total neglect and failure on the part of the municipal authorities. The municipal authorities have not even bothered to prevent the illegal construction despite the petitioner lodging a complaint on 11th September, 2024. The municipal authorities obviously sat tight over the matter only when this Court had taken up the matter, a stop work notice issued on 5th March, 2024 has been placed before the Court to demonstrate that the municipality had taken action. No steps appear to have been taken either by the municipal authorities or by the police authorities to implement the same despite the police authorities being put on notice. The municipal authorities have also failed to take further steps in relation to the aforesaid illegal and unauthorized construction which is standing. Ordinarily, the illegality of constructing four additional floors could not have been possible without the notice and knowledge of the municipal authorities. The active convenience of a Section of the municipal staff and the police to permit this gross illegality cannot be ruled out. It is, therefore, for the municipal authorities and the police authorities to take appropriate steps and action against the earning officers as may be necessary.

Accordingly, let this order be placed before the respondent Nos. 2 and 5 for appropriate action at their end. A report in this regard may be filed before the learned Registrar General within eight weeks. Once the report is filed, the same shall be tagged with this file.

3. Be that as it may, noting that the illegal construction has already taken place, the municipal authorities must forthwith initiate proceedings under Section 177 of the HMC Act, 1980 and bring such proceedings to a logical conclusion on an expeditious basis preferably within a period of six weeks from the date of communication of this order. The municipality must also file a compliance report before the learned Registrar General within eight weeks from date.
4. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)