

03.02.2026
Sayandeep
ML. No. 09
Ct. No. 03

WPA 25857 of 2025
Satish Kumar Roy
Vs.
The Kolkata Municipal Corporation & ors.

Mr. Sunny Nandy
Ms. Yamini Tiwari
Mr. Manmohan Singh
Mr. Roop Roy

.... For the Petitioner

Ms. Sanghamitra Nandy
Mr. Subhra Nag

..... for the State

Mr. Alok Kr. Ghosh
Ms. Tanushree Dasgupta

..... for the KMC

Mr. Purnasis Bhunya

..... for the respondent No. 9

1. Today, Mr. Ghosh, learned advocate representing the KMC pursuant to the order dated 15th December, 2025 has produced the entire records. According to him, though a G+2 storied building was sanctioned by the Municipality in respect of premises No. 5/H/13, Bhukailash Road, Ward No. 78, Borough IX, however, the said construction had subsequently been enhanced to a G+4 storied building. The municipality on the basis of complaint received and upon detecting illegal construction, has taken steps and have issued notice under Section 401 of the KMC Act, 1980. According to Mr. Ghosh, it is likely that proceedings shall be initiated under Section 400 of the said Act.
2. Having regard to the disclosure made in Court today and upon hearing the learned advocates appearing for

the respective parties, I am of the view, since the municipality has already been able to ascertain that an illegal construction has been carried out at premises No. 5/H/13, Bhukailash Road, appropriate steps should be initiated by the municipality under the provisions of Section 400 of the said Act within two weeks from the date of communication of this order. The municipal authorities must also enquire into and find out whether the concerned licensed building surveyor involved in the construction had notified the municipality with regard to the above deviation. If any failure and/or omission is noted on the part of the concerned licensed building surveyor to comply with the provisions of the KMC Act, 1980 and the Building Rules framed thereunder, it shall be open to the municipality to notify the concerned licensed building surveyor of the above shortcomings and seek for an explanation. If the explanation is not found appropriate in such case, the municipality should initiate appropriate proceeding and consider whether the licensed building surveyor is fit to hold such licence. Considering the recent events, I am of the view that a drive should be initiated by the municipality to sensitise the licensed building surveyors.

3. The municipality must ensure that no further illegal construction is carried out in the meantime. It is expected that the municipality shall conclude the

entire proceedings within a period of three months from the date of communication of this order.

4. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)