

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 26418 of 2025**

Kamal Kishore Shaw & Anr.  
Versus  
Bhatpara Municipality & Ors.

Mr. Debjit Mukherjee  
Mr. Kaustav Bhattacharya  
Ms. Priyanka Jana

... For the petitioners.

Mr. Shiv Shankar Banerjee  
Ms. Arijita Ghosh  
Mr. Partho Proteem Das  
Mr. Siddtharth Chamria

... For the municipality.

1. Affidavit of service filed in Court is taken on record.
2. The instant writ petition has been filed, inter alia, complaining illegal construction. The petitioners claim to be the owners in respect of a plot of land lying and situated at R.S. Dag No.2085, L.R. Dag No.3040, J.L. No.12, Mouza – Kakinara, P. S. Bhatpara, Dist. North 24 Parganas, under Bhatpara Municipality Ward No.11 B.L. No.8, Holding No.3.
3. It is also the petitioners' case that the petitioners had entered into a development agreement with M/s. Ziddan Enterprise, being the respondent no.7 herein, for construction of multi-storied building. The development agreement has been registered on 10<sup>th</sup> January, 2019. Subsequently, the proprietor of Ziddan Enterprise,

Mohammed Kalamuddin, started development work over the aforesaid property. The petitioners had certain doubts as to whether the development work is fully authorized and had accordingly made an RTI application. A RTI response has since been filed which notes that no plan is traceable in respect of Holding No.3, B.L. No.8, Ward No.11 of Bhatpara Municipality. Incidentally, the RTI response is silent insofar as R.S. and L.R. Dag Nos. are concerned. Based on the aforesaid information, the petitioners had made a complaint. The petitioners have, however, chosen not to disclose the development agreement.

4. Ordinarily, when the petitioners have entered into an agreement with the respondent no.7, it is presumed that the petitioners were aware with regard to the conduct of the construction being carried out by the respondent no.7. Going by the nature of the RTI application, it is clear that the petitioners on the basis of certain doubts have filed such application and later by relying on the response of the RTI have made the complaint.

5. In my view, this Court in the given facts cannot issue any mandatory direction to activate the machinery of the State at the instance of such negligent persons.

6. The aforesaid observation shall not impinge upon the rights of the municipality to act in accordance with law and verify whether there is any sanctioned plan for the construction in question.

7. With the above observations and directions the writ petition stands disposed of.

**(Raja Basu Chowdhury, J.)**