

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1/2026

HIRA CHAND DAGA
VS
THE KOLKATA MUNICIPAL CORPORATION AND OTHERS

BEFORE:

The Hon'ble JUSTICE RAJA BASU CHOWDHURY

Date : 10th February, 2026.

Appearance

Mr. Abhishek Halder, Adv.
Mr Maidul Islam Kayal, Adv.
Mr. Noor Ul Amin Sardar, Adv.
Mr. Debabrata Halder, Adv.
...for the petitioner

Mr. Sandipan Banerjee, Adv.
Ms. Sima Chakraborty, Adv.
...for KMC

Mr. Manoj Malhotra, Adv.
Mr. Sabyasachi Mondal, Adv.
...for the State

The Court:

1. Despite service, the private respondent no. 11 is not represented.

2. The present petitioner has been complaining illegal construction at premises no. 10/1, Ahiritola Street, Ward No. 20, Borough- II.

3. According to the petitioner, the private respondent has covered the rear open space on the southern side of the aforesaid premises in such a way that free air and light at the petitioner's portion in the said premises has been interfered with. The Learned Advocate for the petitioner would submit that the respondent no. 11 has, in fact, covered the entire common passage and the above construction is without the sanction of the Municipal Authorities.

4. The Municipality is represented.

5. The Learned Advocate for the Municipality has placed before the Court a report dated 19th January, 2026 issued by the Executive Engineer, Building Department, Borough-II and would submit that on the basis of the complaint filed by the petitioner an inspection was carried out when it was observed that the person responsible has constructed four number of rooms with brick wall and tin shed and encroached the rear open space on the southern side of the aforesaid premises. The above construction is without any sanction. Accordingly, stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the said Act) has been issued and the intimation thereof has been provided to the concerned Jorabagan Police Station on the same day itself. A proposal under Section 400 of the said Act along with the demolition sketch showing infringement statement has been prepared and placed before the higher authority. The report would demonstrate that the contemplated proceeding is under process.

6. Having heard the Learned Advocates appearing for the respective parties, I am of the view that the Municipality should forthwith take steps in the matter especially when the same pertains to the obstruction of free light and air in the petitioner's premises. The Municipality must forthwith take steps on the basis of the proposal noted in the report and bring the proceeding already initiated by them to a logical conclusion within a period of eight weeks from the date of the communication of this order.

7. A colour photograph placed before this Court by the petitioner is taken on record.

8. WPO/1/2026 stands disposed of.

(RAJA BASU CHOWDHURY, J.)

S. Mandi/pa