

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/21/2026
IA NO:GA/1/2026
ABC BUILDER AND CONSTRUCTION LIMITED AND ORS.
-VS-
SURAJIT ROY AND ORS.

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
And
The Hon'ble JUSTICE AJAY KUMAR GUPTA
Date: 10.02.2026.

Mr. A. Banerjee, Sr. Adv.; Ms. M. Ghosh, Adv.; Ms. A. Bari, Adv., for petitioners.
Ms. U. Chatterjee, Adv.; Ms. P. Das, Adv.; Ms. A. Sultana, Adv.; Ms. G. Rajada, Adv.,
for respondent.
Ms. S. Chatterjee, Adv., for State.
Mr. A.K. Ghosh, Adv.; Mr. G.C.Das, Adv.; Mr. S. Chatterjee, Adv., for KMC.

1. The Court: Affidavit-of-service filed in Court is taken on record.
2. Scope of the instant appeal is limited. The appellants are aggrieved by orders of the learned Single Bench, dated January 29, 2026, pre and post lunch. The

Single Bench of this Court was of the prima facie view that regularization of construction obtained by the appellants may not have been in accordance with law.

3. The Single Bench had called for the records of the Corporation to examine the extent of regularization done and as to whether the same was in harmony with the submissions that were made on the said writ petition and a previous proceeding being WPO/563/2024.
4. The records of the Corporation have been kept in a sealed cover in the Court room and the parties have been permitted to inspect the same. A Special Officer has also been appointed to ascertain the facts and the current scenario at the construction site in question.
5. This Court is of the view that the observations made in the impugned orders dated January 29, 2026 are prima facie. The same are subject to the final decision of the Single Bench after receiving the report of the Special Officer and hearing the submissions of the parties based on the inspection of the records.
6. The Special Officer appointed by the Single Bench is hereby directed to complete the inspection and submit a report within one week from date.
7. The appellants may file a comprehensive affidavit-in-opposition having regard to the pleadings in the writ petition, the records of the KMC and the report of the Special Officer within a period of two weeks from date after taking inspection of the records filed by the KMC and lying before the Single Bench.

8. The writ petitioner-respondent may use a comprehensive affidavit-in-reply thereto within one week thereafter.
9. The parties may approach the Single Bench for early hearing of the writ petition.
10. It is made clear that all questions of fact and law are kept open for all sides to argue before the Single Bench.
11. With the aforesaid directions, APOT/21/2026 along with the connected application stands disposed of.

(RAJASEKHAR MANTHA, J.)

(AJAY KUMAR GUPTA, J.)

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