

OD-7

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/122/2026

MANICK CHAND JAISWAL
VS
THE KOLKATA MUNICIPAL CORPORATION AND OTHERS

BEFORE:

The Hon'ble JUSTICE RAJA BASU CHOWDHURY

Date : 24th March, 2026.

Appearance:

Mr. Hebzur Rahaman, Adv.

Ms. Swarnali Saha, Adv.

...for the petitioner

Mr. Alak Kr. Ghosh, Adv.

Mr. Swapan Kr. Debnath, Adv.

...for the KMC

Ms. Susmita Chatterjee, Adv.

....for the State

1. This present writ petition has filed, inter alia, alleging unauthorized construction at premises No.B/123/2/H/80, Acharya Prafulla Chandra Road, Kolkata-700 006, Ward No.27, P.S. - Burtolla.
2. The petitioner claims to be a thika tenant in respect of the aforesaid property. The petitioner also claims that he has entered into a development agreement with one Gautam Maity, the private respondent no.11 herein for development of the aforesaid property. According to him, the said Gautam Maity has been illegally continuing with the development of the building in violation of the building sanctioned plan. Though, he has raised an objection and made complaints before the Municipal Authorities, the Municipal Authorities did not take steps.

3. Record would reveal that the petitioner had already lodged a complaint with the Thika Controller on 1st July, 2019. At his instance, a proceeding has been initiated and the Thika Controller vide order dated 8th March, 2019 had directed the Director General (Building), KMC to take necessary steps in relation to deviation of the existing construction from the sanctioned plan duly sanctioned by the Kolkata Municipal Corporation on 16th May, 1992.
4. It is not clear as to whether the Municipal Authorities had taken any steps pursuant to the order passed by the Thika Controller.
5. Mr. Ghosh, learned Advocate appears for the Municipality. He is unable to throw any light in this regard.
6. Having heard the learned Advocates appearing for the respective parties, I am of the view that it would be only prudent to dispose of the writ petition by directing the municipality to take notice of the orders passed by the Thika Controller and the representation made by the petitioner and take a decision on the basis thereof. It is expected that such decision must be taken within a period of four weeks from the date of communication of this order.
7. Since this Court has not invited any affidavits, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.
8. With the above observations and directions, the writ petition stands disposed of.

(RAJA BASU CHOWDHURY, J.)