

OD-05

WPO/163/2026
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

Sk. Noor Ali
Versus
Kolkata Municipal Corporation & Ors.

Before:
The Hon'ble Justice RAJA BASU CHOWDHURY
Date: 27th April 2026

Appearance:
Mr. Indrajit Bhattacharjee, Advocate
for the petitioner

Mr. Biswajit Mukherjee, Advocate
Mr. Dwijadas Chakraborty, Advocate
for the KMC

Mr. Ayan Banerjee, Advocate
Mr. Ajeyo Chowdhury, Advocate
for respondent no.6

The Court: 1. The present writ petition has been filed complaining that the construction carried out by the private respondent no.6 is on the water body. It is not the petitioner's case that the construction that has been carried out is without sanctioned building plan. In response to a query from the Court the learned advocate for the petitioner would submit that the construction has taken place at least six years back. There appears to be no explanation of delay in approaching the Court.

2. The municipality is represented by Mr. Mukherjee, learned advocate.

3. Having heard the learned advocate for the parties and noting that a G+3 building has come up, ordinarily such construction could not have taken place without the petitioner's knowledge especially when the petitioner claims to be co-sharer. Further the petitioner has also not disclosed proof of service of the complaint on the municipality. Ordinarily, in the peculiar facts no mandatory order is called for. However, since an allegation of illegal construction has made the municipality shall be at liberty to make an inquiry in the matter and take appropriate steps as it would deem fit. Needless to note that the municipality must primarily ascertain whether there is any sanctioned building plan. If there no sanctioned building plan, appropriate steps shall be taken.

4. Accordingly, the writ petition stands disposed of.

(RAJA BASU CHOWDHURY, J.)