

OD-9

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/241/2026

RAKESH JANGID
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE RAJA BASU CHOWDHURY

Date : 11th June, 2026.

Appearance:

Mr. Amit Gupta, Adv.

Mr. A. D. Gupta, Adv.

...for the petitioner

Mr. Nilotpal Chatterjee, Adv.

Ms. Manisha Nath, Adv.

...for K.M.C.

1. Pursuant to the order dated 21st May, 2026 Ms. Nath, learned Advocate representing the municipality has produced the records today.
2. The records would demonstrate that attempts were made by the municipality to notify the petitioner regarding the date of hearing which was conducted in terms of the order dated 18th September, 2025 passed by a Co-ordinate Bench of this Court. Photographs of the notice pasted on the outer wall of the building intimating that a hearing shall take place on 3rd December, 2025 at 3.30 pm has also been produced.

Let a copies of the photographs as placed before this Court be taken on record. This apart the municipality has also produced copies of the notices addressed to the Kishenlal Katsaria & Hauman Muljee Banthia Trustee to the Oswa Naba Jubak Samity & others, Devang Badani, Babita Jangid and Rakesh Jangid. The attendance sheet has also been produced which records that Devang Badani and his Advocate Dibyendu Ghosh had appeared during the course of hearing on 3rd December, 2025 and on 19th December, 2025 before the municipal authorities. The Executive Engineer has passed an order on 11th May, 2026 observing that the construction raised is illegal, without any plan sanctioned from the concerned borough of the Building Department. Incidentally it may be placed on record that WPO 478 of 2025 was filed complaining failure on the part of municipal authorities to take steps for demolition of unauthorized construction at premises no. 41A Brojo Dulal Street, Kolkata. A Coordinate Bench of this Court had while disposing the writ petition had directed the Executive Engineer to decide on the petitioner's representation after affording hearing to the petitioner and the private respondent. In terms of the above, the order impugned has been passed.

3. Though the learned Advocate for the petitioner would submit that he is yet to be favoured with the copy of the above order and was never notified for hearing, however, having regard to the order passed by the

Executive Engineer, I find that it is apparent and clear that there is an illegal construction at the locale. Nothing has been placed before this Court to the contrary. Further noting that the municipality has passed an order under Section 400(8) of the Kolkata Municipal Corporation Act, 1980, I am of the view that the municipality must take steps and implement the same in accordance with law. If the petitioner is aggrieved by any of the acts or actions on the part of the municipal authorities, the remedy of the petitioner lies before the Tribunal.

4. Let a copy of the order passed by the municipal authorities be made over to the learned Advocate for the petitioner in course of the day.
5. Accordingly, the instant writ petition stands disposed of.

(RAJA BASU CHOWDHURY, J.)