

OD-12

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/264/2026

SMT KALPANA KUNDU
VERSUS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
THE HON'BLE JUSTICE RAJA BASU CHOWDHURY
Date: 11th June, 2026.

Appearance:

Mr. Raghunath Chakraborty, Advocate
Mr. Supratick Shyamal, Advocate
Mrs. Sonali Sengupta, Advocate
Ms. Paromita Barik, Advocate
for the Petitioner

Mr. Alak Kumar Ghosh, Advocate
Mr. Swapan Kr. Debnath, Advocate
for the KMC

Mr. Akash Dutta, Advocate
Mr. A. Gourav, Advocate
...for Respondent no.6

1. The present writ petition has been filed for a direction upon the respondents to protect the right of the petitioner as Bharatia in respect of the existing structure standing over thika land situated at premises No.B/61D/H/6, Kabisekhar Kalidas Roy Road (formerly 61D, Tollygunge Road), P.O.- Tollygunge, P.S.- Charumarket, Kolkata – 700 033, under KMC Ward N0.81, by

issuing stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980.

2. Record reveals that the matter was moved citing urgency during the vacation. The petitioner claims to be the Bharatias in respect of their respective portion of the brick built tali structure standing over the thika proja land lying and situated at the above-mentioned premises under the thika tenant of Shri Rathin Bhattacharjee by way of inheritance.
3. When the matter was moved before the vacation Bench, this Court, by keeping the point of maintainability of the writ petition open, directed the respondents to maintain status quo and accordingly, the matter has come up before this Court.
4. The record would further reveal that independent of the present writ petition, the petitioner already approached the West Bengal Land Reforms & Tenancy Tribunal by filing an Original Application being OA No.1146 of 2026 (Smt. Kalpana Kundu & Ors. vs. The State of West Bengal & Ors.) due to non-action/inaction on the part of the learned Controller, Kolkata Thika Tenancy with a prayer for direction upon the Controller, Kolkata Thika Tenancy to consider the application dated 17th December, 2025. From the copy of the above application which has been annexed to the writ petition, it appears that the cause of action, if any, of the petitioner

is as against the Thika Tenant, the developer and the failure on the part of the Controller to take action. The municipality has nothing to do in relation to such cause of action. On such ground, I am not inclined to entertain this writ petition.

5. The writ petition stands dismissed.
6. The interim order passed stands vacated.

(RAJA BASU CHOWDHURY, J.)