

OD-15

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/268/2026

SUSHANATA JAISWAL & ORS.
VERSUS
THE STATE OF WEST BENGAL & 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 Petitioners

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

Mr. Nikunj Berlia, Advocate
...for the State

1. The initiation of the proceedings under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the "said Act") by the Executive Engineer (C), Building, Borough—VII and an order passed in relation thereto calling upon the petitioners to appear before the Special Officer (Building) on 29th May, 2026, form the subject matter of challenge in the writ petition.

2. By the said order, though the petitioners had been called upon to demolish the unauthorised building, in the alternative the petitioners had also been called upon to show cause as to why the unauthorised building shall not be demolished. In furtherance thereto, the petitioners had been called upon to appear before the Special Officer (Building).
3. Mr. Raghunath Chakraborty, learned advocate representing the petitioners, would submit that the petitioners have duly appeared before the Special Officer (Building) and hearing is at present going on.
4. He submits that by an interim order passed by the Special Officer (Building), the municipal authorities have now embarked upon an enquiry as regards the illegal construction, and the concerned Executive Engineer has been called upon to submit several documents which are detailed in such order.
5. Since the petitioners claim several documents have been called for by the municipal authorities, it is obvious that the petitioners would be entitled to inspection thereof provided such documents are relied in course of hearing. However, the petitioners cannot be permitted to hijack the demolition proceedings by approaching this Court and seek to stall the proceedings.

6. The municipality is represented and would submit that the entire building in question is illegal, there is no sanctioned building plan and a report in this regard dated 2nd June, 2026 has also been filed. Let copy of such report as filed be taken on record.
7. Having heard learned advocates appearing for the respective parties and noting that the issue of illegal construction is yet to be finally adjudicated, I am of the view that there is no scope for this Court to entertain this writ petition.
8. Further remedy, if any, from an order passed under Section 400 of the said Act, is before the appellate forum.
9. Accordingly, the writ petition stands dismissed.
10. Let supplementary affidavit filed in Court today on behalf of the petitioners be kept on record.

(RAJA BASU CHOWDHURY, J.)