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IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/271/2026

BAPAN SEAL

VS

THE STATE OF WEST BENGAL AND ORS

BEFORE :

THE HON'BLE JUSTICE RAJA BASU CHOWDHURY

Date : 22nd June, 2026

Appearance :

Ms. Sonali Sengupta, Adv.

Ms.Paromita Barik, Adv.

..for petitioner.

Mr. Alak Kumar Ghosh, Adv.

Mr.Swapan Kumar Debnath, Adv.

...for KMC.

Mr. Sourav Ghosh, Adv.

Mr.Sukanta Ghosh, Adv.

Mr. Arghya Chatterjee, Adv.

...for State.

The Court : 1. The present writ petition has been filed, inter alia, praying for cancellation of the notice dated 29th May, 2026 issued under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the said Act) in respect of Premises No.3/13, Rani Rashmoni Garden Lane, Ward - 57, Br - VII.

2. Though an accommodation has been sought for on behalf of the petitioner, however, Mr. Ghosh, learned Advocate for the municipality, by placing before this Court a report dated 22nd June, 2026 countersigned by the Executive Engineer(C)/Bldg/Br-VII would submit that since the municipality in course of

inspection had detected that a four storied RCC structure has been constructed by deviating from the sanctioned building plan which was for a three storied building, accordingly, a stop work notice under Section 401 of the said Act had been issued. Copy of the report dated 22nd June, 2026 is taken on record.

3. Following the above, a proceeding under the provisions of Section 400(1) has already been initiated and a hearing had already been conducted on 1st June, 2026 when on the prayer of the person responsible, the hearing was adjourned, and is now fixed on 2nd July, 2026.

4. Having heard the learned Advocate for the municipality and upon considering the materials on record, as the municipality is yet to take decision in the matter though, according to the municipality, the person responsible has already constructed one additional floor in the building by deviating from the sanctioned building plan and having regard thereto, I am not inclined to adjourn the matter and noting that the municipality has already proceeded at this stage, in my view, it should be prudent to permit the municipality to conclude the proceeding in accordance with law.

5. The writ petition is accordingly disposed of.

(RAJA BASU CHOWDHURY, J.)

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