

OD-09

WPO/657/2025
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

Rajeev Sinha
Versus
The State of West Bengal & Ors.

Before:
The Hon'ble Justice RAJA BASU CHOWDHURY
Date: 12th May 2026

Appearance:
Mr. Amish Roy Advocate
Mr. Soujanya Pattanayak, Advocate
for the petitioner

Mr. Gopal Ch, Das, Advocate
Ms. Ananya Das, Advocate
for the KMC

Mr. M. Jaiswal, Advocate
Mr. Shyamal Chakraborty, Advocate
for respondent no.8

1. Complaining illegal construction at premises no.51, Muktaram Babu Street, Ward No.41, Borough – V, Kolkata, the instant writ petition has been filed.
2. Learned advocate for the municipality is present in Court. By placing a report dated 22nd August 2025 it is submitted that in respect of the aforesaid premises a sanctioned building plan was issued under section 393A of the Kolkata Municipal Corporation Act, 1980 and a regularised plan approved under Rule 26(2a) and (2b) of the Kolkata Municipal Corporation Building Rules – 2009 dated 30th June 2023 for a G+IV storeyed residential building was

sanctioned. Completion certificate has already been issued and one additional floor over an G+IV storied residential building has been sanctioned/regularised.

3. The private respondent is represented. According to him, the issue of regularisation of illegal construction can no longer survive after the order of regularisation has been passed.
4. Having heard the learned advocates representing the respective parties and noting from the order passed by the municipal authorities that the municipalities have regularised the illegal construction, I am of the view that at this stage there is no scope for this Court to decide the petitioner's contention, since the order of regularisation is subject to appellate remedy. This Court, thus, does not seek to entertain the writ petition on the ground of alternative remedy.
5. Accordingly the writ petition stands disposed of.

(RAJA BASU CHOWDHURY, J.)