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IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/525/2026

GOUTAM SONKAR
VS
KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date : 4th November, 2026.
(Vacation Bench)

Appearance:
Mr. Aurin Chakraborty, Adv.
Mr. Amal Kumar Saha, Adv.
Mr. Iresh Paul, Adv.
...for the petitioner

Mr. Sujit Banerjee, Adv.
Mr. Nilay Sengupta, Adv.
...for the respondent nos. 6 & 7

Mr. Piush Chaturvedi, Sr. Adv.
Mr. Nilanjan Chatterjee, Adv.
...for KMC

The Court:- The matter pertains to premises No. 43, Netaji Subhash Road, Kolkata- 700 001 popularly known as "Marshall House" (hereinafter referred to as 'the said premises'). The petitioner claims to be the caretaker of the said premises and also a tenant in respect to one shop room situated at the ground floor of the said premises. The petitioner is neither the owner nor has

any prima facie legal right as against the private respondents who are tenants in respect of a ground floor portion of the said premises. Assuming without admitting that the petitioner is the caretaker then also the petitioner is an agent of the owners of the said premises. The owners of the said premises have been arrayed as the proforma respondent in this writ petition. The petitioner is also not the landlord of the respondent no. 6 and 7. It also appears from the orders passed in WPO/36/2025 dated 10th August, 2026 and WPO/522/2026 dated 27th October, 2026 that this Court while adjudicating the said writ petitions had passed certain directions. On a query from the Court it is submitted by the parties that the subject premises in WPO/36/2025 was the premises said to be occupied by respondent nos. 6 and 7 in this writ petition as the tenant wherein the respondent nos. 6 and 7 had alleged wrongful action on the part of the owners for having closed down the windows of the unit under the occupation of respondent no. 6 and 7. The subject premises in WPO/522/2026 is a particular portion on the ground floor of the Marshall House said to be under the occupation of the petitioner herein as tenant wherein unauthorized construction was alleged by the respondent nos. 6 and 7 in this writ petition.

The order dated 10th August, 2026 passed in WPO/36/2025 takes note of a Report filed by the Kolkata Municipal Corporation (in short 'KMC') and had thereafter, directed the KMC to take appropriate steps in relation to the purported illegal constructions alleged at the until in question in the said writ petition. By the order dated 27th October, 2026 passed in WPO/522/2026 this Court had directed to KMC to ensure that no construction work is carried out

at the subject premises till 16th November, 2026. In this writ petition allegation is in connection with the illegal construction at the unit of which the respondent nos. 6 and 7 claims to be the tenant.

KMC files a Report dated 3rd November, 2026 which is taken on record. On perusal of the Report it appears that the KMC has detected unauthorized construction at the portion in question in this writ petition by the person responsible. The nature of unauthorized construction is the construction of a mezzanine floor at the ground floor unit of the respondent no. 6 and 7 situated at Marshall House. The Report also provides that the KMC is taking steps for initiating proceedings under Section 400 of the Kolkata Municipal Corporation Act, 1980 (in short "1980 Act") for which notice under Section 401 has been issued and necessary intimation to the Hare Street Police Station has also been given.

In the aforesaid facts and circumstances, the KMC is directed to proceed with the contemplated proceedings under Section 400 of the 1980 Act in accordance with law and pass an appropriate orders after given a hearing to the persons in occupation of the ground floor portion of which prima facie unauthorized construction has been detected as also the owners of the premises no. 43, Netaji Subhash Road, Kolkata- 700 001, as required under law. The proceedings should be drawn up and concluded as expeditiously as possible but not beyond six months from the date of communication of this order. KMC shall supply all documents relied upon or to be relied upon to demonstrate the prima facie unauthorized construction to the respondent no. 6 and 7 of this writ petition before passing any final order. Although, the order is

passed in the presence of KMC but for abundant caution and the respondent nos. 6 and 7 shall communicate this order to the Kolkata Municipal Corporation.

With the aforesaid, WPO/525/2026 stands disposed of.

(ARINDAM MUKHERJEE, J.)

T.O./S.Bag
(A.R.C.R)