

OD-09

WPO/790/2025
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

Saugata Banerjee
Versus
The Kolkata Municipal Corporation & Ors.

Before:
The Hon'ble Justice RAJA BASU CHOWDHURY
Date: 3rd February 2026

Appearance:
Mr. Srikanta Dutta, Advocate
Mrs. Rituparna Sarkar Dutta, Advocate
for the petitioner

Mr. Achintya Kr. Banerjee, Advocate
Ms. Manisha Nath, Advocate
for the KMC

The Court: 1. Although an affidavit of service has been produced by the petitioner in Court today, which is taken on record, the same does not show that service has been effected on the private respondent.

2. However, noting from the report filed by the municipality it appears that an illegal construction has taken place at premises no.6/3, Anil Maitra Road, Ward – 068, Borough – VIII; the municipality had initially issued a stop work notice, subsequently a show cause notice was also issued for initiation of proceeding under section 400(1) of the Kolkata Municipal Corporation Act, 1980 on the person responsible on 1st August 2018. Later, an order of retention of unauthorised construction and change of use was passed by the Special Officer (Building) on 1st November 2018 which was subsequently approved by

the Board of Administrators on 20th February 2021. Subsequently a completion certificate under Rule 28 of the Kolkata Municipal Corporation Rule, 2009 has already been issued in respect of G+5 storied residential building of height 18.9 mt. over a land area of 234.113 sq.mt. on 8th April 2025.

3. Admittedly, the writ petition has been filed on 3rd November 2025. The writ petition does not seek to challenge the above order or the factum of issuance of the completion certificate. On the contrary, the same only alleges demolition of illegal construction.

4. In the light of the development as aforesaid, I am of the view that nothing survives in the writ petition. The writ petition is accordingly dismissed.

5. However, since the petitioner would complain that he was not aware of the subsequent development, the dismissal of the writ petition shall not stand in the way of the petitioner to take recourse against aforesaid the action of the municipality to regularise the illegal construction, in accordance with law, if so advised.

(RAJA BASU CHOWDHURY, J.)