

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/802/2025
SHABBIR YAKUB MILKY & ORS.
VS
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE
THE HON'BLE JUSTICE RAJA BASU CHOWDHURY
Date: 17th March, 2026

Appearance:
Mr. Krishna Das Poddar, Adv
Ms. Mandira Barman, Adv.
....for the petitioners
Mr. Alak Kumar Ghosh, Adv.
Ms. Manisha Nath, Adv.
....for the KMC
Mr. Sayed Nasirul Hossain, Adv.
Md. Jalaluddin, Adv.
...for the respondent no.5
Mr. Debangshu Dinda, Adv.
...for the State

1. Today, the Municipality has filed the report dated 10th February, 2026 and would submit that in course of inspection at 9/2, East Topsia Road, Kolkata -700 046, it was noted that mandatory open space at western side and part of northern side (rear side) are covered by C.I shed which is beyond the sanction plan. The parking space shown in the said sanction plan has been covered by outer brick walls and two number of gate have been installed at eastern side. Let the report filed in Court today be taken on record.

2. Having heard learned Advocates appearing for the municipality, the developer/land owner and the petitioners, I am of the view that in the event the aforesaid portion of the property is utilised for the purpose, for which the same was sanctioned, the municipality should not proceed further simply because the car parking space has been covered, and the same should not be construed as violation of the sanction building plan.

3. Accordingly, the writ petition stands disposed of.

(RAJA BASU CHOWDHURY, J.)