

16.09.2025
Ct. No.3
Sl. No.12
akd

W. P. A. 28888 of 2023

[Premnath Agarwalla -Vs- Kolkata Municipal Corporation& Ors.]

Mr. Akash Munshi
Mr. Raghav Munshi
... .. for the petitioner

Mr. Barin Banerjee
Ms. Manisha Nath
... .. for the KMC

Ms. Debjani Sengupta
Mr. Rajib Mullick
Mr. Mriganka Chowdhury
... .. for respondent no.8

Mr. Arif Ali
Ms. Poulomi Ghosh
... .. for respondent no.7

Mr. Sounak Bhattacharya
... .. for the State

1. The petitioner has preferred the present writ petition, being aggrieved by the inaction on the part of the respondent-Kolkata Municipal Corporation in failing to take appropriate steps against the alleged illegal and unauthorized construction carried out by the private respondent nos.7 and 8 at Premises No. 194, S. P. Mukherjee Road, Kolkata – 700026.

2. This is the second round of litigation. It is the case of the petitioner that he resides at the ground floor of the aforesaid premises, while the private respondent nos.7 and 8 are in occupation of the third and fourth floors of the building. The petitioner had earlier filed a writ petition being WPA 7618 of 2023 alleging unauthorized construction by the private respondents at the said premises. The said writ petition was

taken up for hearing on 04.07.2023. In the said proceeding, the private respondents contended that they had not carried out any unauthorized construction, and to the contrary, alleged that the petitioner himself was responsible for unauthorized construction at the ground floor. Upon inspection, the respondent-Kolkata Municipal Corporation reported that the building in question is an old structure and that a cantilever portion exists on the upper floors. It was found that the outer wall of the ground floor beneath the cantilever portion had been demolished and a new brick wall had been constructed, shifted from its original alignment so as to increase the area on the ground floor. The said construction was undertaken without any valid sanction. Consequently, a stop work notice dated 06.04.2023 was issued. In view of the aforesaid findings, WPA 7618 of 2023 was disposed of by order dated 04.07.2023, directing the respondent-Kolkata Municipal Corporation to take necessary steps to deal with the unauthorized construction in accordance with law.

3. The present grievance of the petitioner is that, notwithstanding the above, no effective action has been taken against the alleged illegal and unauthorized construction on the third and fourth floors of the building. It is the contention of the petitioner that the building plan has been sanctioned only to the extent of G+2 floors and the further floors have been constructed illegally. The petitioner had submitted a representation to that effect, but the same has not been acted upon till date.

4. Learned counsel for the private respondents submits that the alleged illegal and unauthorized construction has been

regularized. He seeks and is granted four weeks time to file his affidavit-in-opposition. Reply to the same, if any, be filed within two weeks thereafter.

5. Learned counsel for the respondent-Kolkata Municipal Corporation also seeks and is granted four weeks time to file affidavit-in-opposition, after conducting a fresh inspection and ascertaining the extent of alleged illegal and unauthorized construction undertaken in the said building on each floor. At the time of inspection, the respondent-KMC shall clearly indicate the extent and nature of illegal and unauthorized construction that has been undertaken beyond the valid sanctioned plan. Reply to the same, if any, be filed two weeks thereafter.

6. Let this matter appear on **18.11.2025**.

(Gaurang Kanth, J.)