

OD-04

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/162/2026

SMT. SUDHA YADAV & ANR.
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

THE HON'BLE JUSTICE RAJA BASU CHOWDHURY

DATE: 9th JUNE, 2026

Appearance:

Mr. Asif Ali, Advocate
Mr. Sarban Bhattacharjee, Advocate
for the petitioners

Mr. Ranajit Chatterjee, Advocate
Ms. Manisha Nath, Advocate
for the KMC

Mr. Raghunath Chakraborty, Advocate
Ms. Tanushree Das, Advocate
for the respondent no.9

1. Mr. Chatterjee, learned Advocate representing the municipal corporation would submit that though a report has been prepared, such report is incomplete and, as such, he prays for an accommodation to file a proper report upon carrying out fresh inspect upon notice to the parties. He still further submits that municipality could not ascertain whether the additional floor has been constructed since the portion under occupation of the respondent no. 9 was locked. Mr. Chatterjee would also submit that though the notice was served on the parties by pasting the notice on the conspicuous part of the outer wall of the premises, hand service was not

effected. He submits another additional two weeks is necessary for the municipal authorities to ascertain whether an additional floor has been constructed.

2. Having heard learned Advocate appearing for the respective parties, this Court finds the municipal authority has not bothered to comply with the direction passed by this Court. It appears that by an order dated 20th April, 2026 this Court had recorded on the basis of the submission made by the petitioner that a further additional floor had been constructed apart from the floor which had been constructed illegally and had been regularized. Notwithstanding the above, municipality thought it fit not to carry out the aforesaid inspection. Nothing having been placed before this Court to demonstrate that the Corporation had taken any steps to bring it to the notice of this Court that by reasons of the obstruction put forth by the respondent no.9, the inspection could not be completed.
3. At the stage, Mr. Chatterjee has handed over the report and would submit that the report though has prepared is not complete. Perusal of the report would demonstrate that the building is fully occupied and that construction has been raised violating Rules 62, 78, 117(4), 123, 133 and 134 of the Kolkata Municipal Corporation Building Rules, 2009.
4. Mr. Chakraborty, learned Advocate who is representing the respondent no. 9 submits that his client is ready and willing to cooperate with the municipal authorities for them to carry out the inspection.
5. Having regard to the peculiar state of affairs, I direct the Officer-in-Charge of the concerned police station to accompany the Executive Engineer of the

municipality on 13th June, 2026 at 12 O'clock, which time the parties would submit would suit them, and an inspection be carried out by the municipal authorities. A detailed report with photographs of the alleged illegal construction must be filed when the matter is taken up for hearing next.

6. List this matter under the same heading on 18th June, 2026.

(RAJA BASU CHOWDHURY, J.)

Akg/