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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/199/2026

SMT. BIMALA SHAW AND ANR.
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE
THE HON'BLE JUSTICE RAJA BASU CHOWDHURY
Date: 18th May, 2026

Appearance:
Mr. Joyak Kumar Gupta, Adv.
Mr. A. Rosul, Adv.
Mr. Steven Sourodip Biswas, Adv.
...for the petitioners
Mr. Alak Kumar Ghosh, Adv.
Ms. Gulnaz Quraishi, Adv.
...for the KMC
Mr. Debjit Mukherjee, Adv.
Mr. Lal Ratan Mondal, Adv.
Mr. Koustav Bhattacharyya, Adv.
Ms. Priyanka Jana, Adv.
Ms. S. Agarwal, Adv.
...for the respondents 7 & 8

1. Although the writ petition was filed complaining illegal construction of the premises no.7A, Monilal Banerjee Road, Kolkata – 700 023 and though the learned Advocate for the private respondents had submitted on 5th May, 2026 that it is only a case of alteration of an existing iron dilapidated spiral staircase, with the approval of the municipal authority, however, the report filed by the municipality would disclose that there had been deviation in execution of the work by the private respondents following which, a stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was issued on 18th July, 2025.
2. The municipality had since taken note of the aforesaid illegal construction in the form of an encroachment of rear side open space and ultimately by an order dated 3rd December, 2025, the unauthorized construction was

regularized in terms of the demolition case no.14-D/IX/25-26 dated 16th October, 2025.

3. Having regard to the report filed in Court today by the municipal authorities which is taken on record and noting that the illegal construction had been regularized, I am of the view that there is no scope to entertain this writ petition at this stage especially when an alternative remedy is available to the petitioners before the Tribunal. Accordingly, the writ petition stands dismissed.
4. Let a copy of the report be made over to the petitioners.

(RAJA BASU CHOWDHURY, J.)

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