

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/327/2025
TAPAN KUMAR CHANDRA AND ANR.
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE
HON'BLE JUSTICE GAURANG KANTH
Date: JULY 31, 2025.

Appearance :
Mr. Jayanta Narayan Chatterjee, Sr. Adv.
Mr. Supreem Naskar, Adv.
Ms. J. Patra, Adv.
Ms. Pritha Sinha, Adv.
...for petitioners
Mr. Alak Kr. Ghosh, Adv.
Mr. Swapan Kr. Debnath, Adv.
....for K.M.C.
Ms. Jhuma Pramanik, Adv.
Mr. P. Paul, Adv.
...for respondent Nos. 6 & 7
Mr. Anirban Ghosh, Adv.
Mr. Indranil Ghosh, Adv.
...for respondent nos. 8 & 9.

The Court :-The petitioners in the present writ petition are challenging the inaction on the part of the respondents whereby they failed to take any appropriate action against the unauthorised construction made at the instance of the private respondents at the premises No. 48A/1 and 48C Anath Nath Deb Lane, Belgachia, Ward No. 03, Borough-I, Kolkata-700037, thereby encroaching upon the public land and carrying out illegal and unauthorised construction in violation of the sanctioned building plan.

Learned Counsel for the petitioners states that the roads have been encroached upon by the private respondents and the said unauthorised construction have been made in such a manner that

the main entry road/lane and the connecting road to plot no. 45 and 45/1 of Anath Nath Deb Lane have been severely narrowed down to such an extent that even the entry of emergency vehicles like ambulance and fire brigade apart from other motor vehicles have been completely blocked and restricted. It is further contended that the illegal encroachment made by the private respondents are severely jeopardizing the safety and security of all the residence of the premises in question. Learned Counsel for the petitioners further contends that several representations were made before the respondent Corporation and eventually, a joint inspection was conducted by the Executive Engineer (Building Department) on 21st March, 2024. However, it is further submitted that no follow up action has been taken pursuant to the said inspection and the petitioners remain unaware of the contents of the inspection report. It is also contended that the said buildings in question are corner plots and that the same are covered under Section 405 of the Act.

Learned Counsel for private respondents No. 8 & 9 as well as respondents No. 6 & 7 state that said building in question is an old structure constructed in accordance with a valid sanction plan and that no encroachment and/or unauthorised construction has been carried out therein.

Learned Counsel for the respondent Corporation seeks and is granted four weeks time to file a report by way of an affidavit after conducting a fresh inspection to ascertain the nature of the illegal and unauthorised construction as well as any encroachment on the

public land that may hinder regular movement, including that of ambulances or any other emergency services.

Let this matter be listed after six weeks.

(GAURANG KANTH, J.)

GH.