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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE.

WPO/828/2025

ABHIJIT BHATTACHARYA
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE

THE HON'BLE JUSTICE RAJA BASU CHOWDHURY

Date: 15th January, 2026

Appearance

Mr. Arindam Banerjee, Sr. Adv.

Mr. Autorup Banerjee, Adv.

Mr. Soupayan Sinha Roy, Adv.

Mr. Supriyo Banerjee, Adv.

...for the petitioner

Mr. Nilotpal Chatterjee, Adv.

Mr. Anupam Dasadhikari, Adv.

..for the KMC

1. Pursuant to the order dated 11th December, 2025, a report has been filed by the competent authority. From the aforesaid report, it would transpire that the plots in question being LR Dag Nos.1939 and 1943 in Mouza-Sahapur, J.L. No.108 had been recorded in the department tank list as a 'Tank' having an area of 12 cottahs and 13 chittacks. The report further records that as per the National Remote Sensing Agency Area Map of 2004, existence of the water body is seen in the said plots. Incidentally, the aforesaid plots had been converted from Tank to Bastu and later on the basis of an application filed by the vendor of the petitioner, the classification of the plots were altered and converted from Bastu to Bahatul Abasan, multistoried housing. This apart, Mr. Chatterjee, learned Advocate representing the municipal authorities has also drawn the attention of this Court to the communication dated 23rd July, 2025 issued by the Block Land and Land Reforms Officer in response to the query made by the Additional District Magistrate and D,L. and L.R.O. regarding inconsistency against plot no.1939 of Mouza-Sahapur, J.L. No.108. The said letter records as follows:-

"With reference to the above, this is to state that the office of the undersigned find some discrepancy against plot no 1939 of mouza Sahapur JL-108.

As per CLR, the plot is recorded as Bastu with an area 0.20 Acre in favour of ShriyaSecurities Limited. One conversion case bearing no CN/2023/1630/659 dated 20.03.2023 has been allowed from Bastu to Bahutal Abasan.

As per RS ROR 199, the subject plot classification is torned, but as per first copy of RS ROR 145 in respect of RS 199 the said classification is recorded as Pukur with area 0.2050 acre of land.

As per record kept at KMC register (GR 3/2012-13) the said land also recorded as tank at premise no 19 S.N.Roy Road, Word no 118.

In the light of the above, necessary instruction may kindly be given at an early date.

This is for your kind information & taking necessary action.”

2. In the light of the disclosure made above, I am of the view that the records relating to original mutation proceeding pertaining to the aforesaid plots be placed before this Court when the matter is taken up next.
3. The petitioner shall be at liberty to use an exception to the report filed by the competent authority.
4. However, since the State is not a party to the present proceeding, I direct the department to add the State of West Bengal as an added respondent represented by the Secretary, Department of Land and Land Revenue having its office at Nabanna, 13th Floor, 325, Sarat Chatterjee Road, Mandirtala Shibpur, Howrah – 711102. Let a copy of the amended writ petition along with the copy of this order be served by the petitioner on the office of the Government Pleader as also on the office of the added respondent.
5. List this matter for further consideration under the same heading on 26th February, 2026.

(RAJA BASU CHOWDHURY, J.)