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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: 30<sup>th</sup> March, 2026

Appearance

*Mr. Joydeep Kar, Sr. Adv.*  
*Mr. Arindam Banerjee, Sr. Adv.*  
*Md. Dilawar Khan, Adv.*  
*Mr. Supriyo Banerjee, Adv.*  
*Mr. Autorup Banerjee, Adv.*  
*...for the petitioner*  
*Mr. Nilotpal Chatterjee, Adv.*  
*Mr. Anupam Dasadhikari, Adv.*  
*..for the KMC*  
*Mr. Lalit Mohan Mahato, AGP*  
*Mr. Ziaul Haque, Adv.*  
*...for the State*

1. Mr. Mahato, learned Additional Government Pleader prays for accommodation to take appropriate instruction. He submits for reason of ensuing election, the officers of the State may not regularly available.
2. Mr. Chatterjee, learned Advocate representing the KMC would, however, insist that although he has filed a report, the municipality did not forfeit the right to file an affidavit. As such, he prays for leave to file an affidavit.
3. Mr. Kar, learned senior Advocate representing the petitioner would, however, raise a serious objection and submit that though the matter has been pending since 11<sup>th</sup> December, 2025, the municipality has not once prayed for leave to file affidavit-in-opposition.
4. Having heard the learned Advocates appearing for the respective parties and considering the submissions, I am of the view that though the prayer of the municipality does not appear to be justified since the aforesaid prayer has been made today for the first time after the matter has been heard on at least, four several occasions, for the

ends of justice, liberty is given to the municipality to use an opposition. Accordingly, let affidavit-in-opposition be filed within a period of 10 days from date; reply thereto, if any, be filed on or before the matter is taken up next.

5. List this matter on 23<sup>rd</sup> April, 2026.

(RAJA BASU CHOWDHURY, J.)

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