

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/797/2025
AURANGAZEB ALAMGIR KHAN
VS
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE
THE HON'BLE JUSTICE RAJA BASU CHOWDHURY
Date: 9th July, 2026

Appearance:
Mr. Tarique Quasimuddin, Adv.
Ms. Sanchita Chaudhuri, Adv.
Mr. Adnan Lodi, Adv.
...for the petitioner
Mr. Alak Kr. Ghosh, Adv.
Mr. Swapan Kr. Debnath, Adv.
Ms. Tanushree Dasgupta, Adv.
...for the KMC
Mr. Abhijit Ray, Adv.
Mr. Santu Nandy, Adv.
...for the respondent no.8
Mr. Swatarup Banerjee, Adv.
Mr. Anirban Das, Adv.
...for the respondent nos.9 & 10

1. The instant writ petition has been filed alleging illegal and unauthorised construction at the premises No.2, Saheed Nityananda Saha Sarani (formerly known as Portuguese Church Street), Ward No. – 42, Borough – V, Kolkata-700001 (in short “the said property”).
2. The municipality has since filed a report countersigned by the Executive Engineer Civil (Buildings) dated 1st July 2026. Let the same be taken on record. As per the aforesaid report, on the basis of the complaint of unauthorised construction, a departmental inspection was carried out when it was detected that the existing building is partly a G+3 and partly G+4 (commercial) and over the aforesaid building there is a tin-shed at the top floor. The report records that at present no new ongoing construction was found. The age of the building also could not be ascertained. The department for non-production of sanctioned building plan has taken steps for further processing the file under Section 400 of the Kolkata Municipal Corporation Act, 1980.

3. Mr. Quasimuddin, learned advocate representing the petitioner would submit that the allegation of the petitioner though does not get substantiated from the report, however, if a joint inspection is permitted, truth will come to light. This apart, according to him, the person responsible has altered the ground floor by carrying out illegal construction which is also not reflected in the report. Accordingly, he insists that the municipality should immediately take appropriate steps so as to arrest the illegal construction and restore the premises to its original position.
4. Mr. Banerjee, learned advocate appears for the respondent nos. 9 and 10. He submits that the building in question is an old building. The respondent nos. 9 and 10 had purchased the said property in the year 2018 with the construction. In the aforesaid building, no addition or alteration has been made by the respondent nos. 9 and 10. No major renovation work has also been carried out. According to him, the writ petition is harassive and the same should be dismissed.
5. Having heard the learned advocates appearing for the respective parties and after going through the materials of record, I find that the report does not demonstrate any construction is going on in the building in question. Further, since, it appears that the municipality has already taken steps to process further inquiry, in my view, it shall not be proper to issue any direction to the municipality at this stage.
6. The aforesaid order shall not interfere with the rights of the municipality to take appropriate steps in accordance with law as may be necessary.
7. The writ petition, thus, stands disposed of.

(RAJA BASU CHOWDHURY, J.)