

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO(P)/8/2025
IA NO:GA/2/2025, GA/4/2025, GA/6/2025,
GA/7/2025, GA/8/2026, GA/9/2026

SUKHENDU BANERJEE
VS.
THE STATE OF WEST BENGAL AND ORS.

BEFORE:
THE HON'BLE RAVINDRA VITHALRAO GHUGE, CHIEF JUSTICE
AND
THE HON'BLE JUSTICE TAPABRATA CHAKRABORTY
Date : 11th September, 2026

Appearance:

Mr. Mainak Bose, Sr. Adv.
Mr. Arif Ali, Adv.
Mr. Ratul Das, Adv.
Ms. Anjusri Mukherjee, Adv.
...for petitioner.

Mr. Dhiraj Kumar Trivedi, Ld. ASGI,
Mr. Amajit De, Special PP, CBI
... for CBI

Mr. Billwadal Bhattacharya, Ld. AAG.
Mr. Sourav Ghosh, Adv.
Mr. Sukanta Ghosh, Adv.
Mr Arghya Chatterjee, Adv.
...for State

Mr. Dhiraj Kumar Trivedi, Ld. ASGI,
Mr. Sukanta Chakraborty, Adv.
Mr. Tirthapati Acharyya, Adv.
...for the U.O.I./Guardian of Enemy Property

Mr. Saptansu Basu, Sr. Adv.
Mr. Tanmoy Sett, Adv.
Mr. Pran Gopal Das, Adv.
...for respondents No.41

Mr. Ayan Banerjee, Adv.
Mr. Pran Gopal Das, Adv.
Mr. Arijit Basu, Adv.
...for respondent Nos.42 to 44

*Mr. Nilanjan Paul, Adv.
...for respondent No.23*

*Mr. Somnath Gangapadhyay, Adv.
.... For respondent No.40*

*Mr. Alak Kr. Ghosh, Adv.
Mr. Nilotpal Chatterjee, Adv.
Mr. Arijit Dey, Adv.
...for KMC*

*Mr. Somnath Bose, Adv.
..for CESC Ltd.*

*Ms. Ipsita Ghosh, Adv.
Mr. Rabiul Islam, Adv.
..for Respondent No. 30*

*Mr. Kamlesh Jha, Adv.
..for respondent no.26*

*Mr. Subhrangsu Panda, Adv.
Mr. Sumitava Chakraborty, Adv.
...for respondent no.34.*

*Mr. Samrat Goswami, Adv.
Ms. Supriti Sarkhel, adv.
... for ED.*

ORDER (Per Court)

1. Having considered the submissions of the learned Senior Advocates / learned Additional Solicitor General of India / learned Additional Advocate General and the learned Advocates for the appearing parties, we have adverted to the earlier orders passed by this Court on different occasions. We have also perused the report filed by the CBI dated 02.06.2026 under the signature of Sri S. Biswas, Deputy SP, CBI, ACB, Kolkata, in deference to our order dated 27.02.2026.

2. The learned Advocate for the KMC submits on instructions and on the basis of the record that several structures that are indicated to be offending, are overlapping with some of the structures in WPO(P) no. 1 of 2024, which is also being heard along with this petition. He submits that KMC has identified the unauthorised structures and steps would be initiated for the demolition of such structures. Assistance of the police authorities would also be taken in order to ensure that there is no law and order situation or any untoward incident.
3. In view of the above, we deem it appropriate to direct the Commissioner of the KMC to submit a roadmap before this Court which would contain the buildings identified as being completely unauthorised and which have been referred to in the report dated 20.01.2026, which is filed by the Commissioner of the KMC before this Court. The Annexure to the said report indicates several buildings to be totally unauthorised. The said roadmap would also contain a mention of dates and timelines to be followed for demolition of such buildings. We desire that the roadmap should be crystal clear as regards the steps to be initiated against the particular properties by commencing the demolition activity on particular dates and completion of the demolition within the particular timelines. Such Roadmap shall be filed under the signature of the Commissioner of the Corporation. We direct such Roadmap to be tendered before us on 14th October, 2026. Copies of the said

roadmap would also be shared with the learned Counsel appearing for the parties.

4. The learned Senior Counsel representing the Petitioner has raised a serious issue as regards the unauthorised buildings which are in large numbers. His contention is that several buildings, which are multi-storied, do not have any owner. No person who could claim a right, title and interest in such buildings, is identified on the basis of the record. In short, these buildings do not have any owners.

There is no information as regards the money trail, meaning thereby, the investments being done by any person, the money utilised for construction of these buildings, the payments having been made to the developers, to contractor/promoter etc. by purchasers of several tenements, These allegations have been looked into by the KMC and the stand of the KMC is that they have no records of any nature whatsoever which can at least identify as to who are the persons who are making the investments in the constructions of such buildings and as to who have received the payments on account of sale of such tenements in such buildings.

5. According to the learned Senior Counsel for the petitioner, the entire issue involves money changing of hands, running into multiple crores of rupees. The learned Counsel, therefore, voices a serious apprehension that

such buildings, the unknown sellers, the buyers whose proper verification of identity has not been done and the investment of thousands of crores of rupees, as an aspect which is likely to compromise national security. He has, therefore, prayed for a direction to the CBI to initiate an investigation into this aspect, as also the role of civic authorities / autonomous bodies / persons who have been responsible for the erection of such constructions.

6. The learned ASGI has drawn our attention to paragraph 7 of the report tendered by Sri S. Biswas dated 02.07.2026, wherein it has been submitted that the Central Bureau of Investigation would abide by any direction of this Court, indicating a direction to investigate into the allegations set out by the Petitioner and in relation to which the Corporation has made a clear statement on the basis of the records that such buildings, which are said to be 42 in number, as identified by the petitioner, to be completely unauthorised.

7. We, therefore, direct the Central Bureau of Investigation to carry out a preliminary enquiry in the afore-stated issues on the basis of the records available, as well as, by visiting the records of the civic authorities / autonomous bodies / State Government etc. and the police records in relation to whether any complaint or FIR has been lodged or registered. We make it clear that the CBI would be at liberty to carry out an investigation in the manner in which it is permissible considering that it is a specialised investigation agency

which has its own ways and means of carrying out proper investigation.

Needless to state, the CBI would also consider the detailed complaint lodged on behalf of the Petitioner, dated 21.11.2024 which is Annexure P/4 at page 91 to the Writ Petition.

8. Insofar as the applications having been filed by some of the private Respondents seeking deletion from the proceeding, keeping in view the above directions and the afore-stated factual matrix, we deem it appropriate to keep the said applications pending, awaiting the report from the CBI and the roadmap being tendered to us by the Corporation.
9. Since this proceeding is being posted for further hearing on 14.10.2026, we would appreciate if the CBI tenders a preliminary report in a sealed cover to the Court, only to apprise us of the progress being made.
10. Stand over to 14.10.2026 in the urgent supplementary list.

(TAPABRATA CHAKRABORTY, J.)

(RAVINDRA V. GHUGE)
CHIEF JUSTICE