

**01.09.2026**  
Ct. No.446  
Sl. No.5  
akd

**W. P. A. 11510 of 2025**

***[Moitreyee Chakraborty -Vs- Bidhannagar Municipal Corporation & Ors.]***

Mr. Ashim Kumar Routh  
Mr. Subhayan Barik  
... ... for the petitioner

Mr. Anish Kumar Mukherjee  
Mr. Avinash Kankani  
... ... for the BMC

1. Affidavit-of-service filed in Court today is taken on record.
2. The present writ petition has been preferred primarily praying for the following reliefs :-

“ (a) A writ or writs in the nature of Mandamus do issue commanding and directing the respondents their men, agents, servants and subordinates and each of them to show cause as to why they shall not be directed to stop the illegal multistoried construction over the premises being no. 178/11, under R.S. Dag No. 452 corresponding to L.R. Dag No. 499, Mouza: Kaikhali, under Ward No. 6, P.O. Airport, P.S. Airport, Kolkata – 700 052, District: 24-Parganas (North) and also by encroaching common passage undertaken by the private respondents, to lodge an FIR against the private respondents with the concerned police station and to demolish the illegal and unauthorized construction in respect of the said premises without any further delay and to act in accordance with law.”

3. Mr. Ashim Kumar Routh, learned advocate appearing for the petitioner, submits that Premises No. 178/12, under R.S. Dag

No. 452 corresponding to L.R. Dag No. 499, Mouza Kaikhali, Ward No. 6, P.O. Airport, P.S. Airport, Kolkata 700 052, District 24-Parganas (North), belongs to the petitioner, whereas Premises No. 178/11 belongs to respondent nos. 6 and 7 herein. He further submits that respondent nos. 6 and 7 carried out construction on their premises and, in the process, encroached upon certain portions of the land belonging to the petitioner. Aggrieved thereby, the petitioner was constrained to institute a civil suit before the learned Civil Judge (Senior Division), 2nd Court at Barasat, North 24-Parganas against the private respondents herein, which was registered as Title Suit No. 38 of 2004. He further submits that, by an interim order, the learned Court directed both the parties to maintain status quo till disposal of the suit. However, in complete disregard of the said interim order, respondent nos. 6 and 7 are continuing with construction on their premises without any sanctioned building plan and in contravention of the West Bengal Municipal Building Rules, 2007 (hereinafter referred to as “the 2007 Rules”).

4. Mr. Routh further submits that the aforesaid grievance was brought to the notice of the concerned Bidhannagar Municipal Corporation (in short, “BMC”) by way of representations dated 5th May, 2025 and 9th May, 2025, respectively. However, despite receipt of the said representations, no effective steps have been taken by the concerned authorities of the BMC. Aggrieved by such inaction, the petitioner has been constrained to approach this Court by filing the present writ petition.

5. Mr. Anish Kumar Mukherjee, learned advocate appearing for the Bidhannagar Municipal Corporation, submits that the

BMC may be directed to consider the representations dated 5th May, 2025 and 9th May, 2025, respectively, and to take an appropriate decision thereon in accordance with law.

6. Despite service, none appears on behalf of the respondent nos. 6 and 7.

7. Heard the learned Advocates appearing for both the parties and perused the materials on record.

8. Having regard to the facts and circumstances of this case and taking note of the stand taken by both the parties, the writ petition is disposed of by directing the respondent no. 2 to consider the representations of the petitioner dated 5th May, 2025 and 9th May, 2025, respectively, upon conducting an inspection of the construction undertaken by respondent nos. 6 and 7 on Premises No. 178/11, under R.S. Dag No. 452 corresponding to L.R. Dag No. 499, Mouza: Kaikhali, under Ward No. 6, P.O. Airport, P.S. Airport, Kolkata – 700 052, District: 24-Parganas (North). The inspection may be carried out by the respondent no. 2 personally or through his authorized representative, after giving prior intimation of the date of inspection to the petitioner and respondent nos. 6 and 7 herein and the inspection shall be conducted in presence of the petitioner and private respondents.

9. If, upon inspection, it is found that respondent nos. 6 and 7 have undertaken any construction illegally or in contravention of the 2007 Rules, then appropriate steps shall be taken by the BMC in accordance with law, after affording an opportunity of personal hearing to both the petitioner and respondent nos. 6 and 7 herein.

10. The entire exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order. Till then, no further construction shall be carried out by respondent nos. 6 and 7 herein on Premises No. 178/11, under R.S. Dag No. 452 corresponding to L.R. Dag No. 499, Mouza: Kaikhali, under Ward No. 6, P.O. Airport, P.S. Airport, Kolkata – 700 052, District: 24-Parganas (North).

11. With these observations and directions, WPA 11510 of 2025 is disposed of.

12. There shall be no order as to costs.

13. Let urgent Photostat certified copy of this order be made available to the parties, if applied for, upon compliance of usual formalities.

**(Partha Sarathi Chatterjee, J.)**