

M/L 41
04.11.2025
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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 136 of 2024

Smt. Sumitra Ghosh
Versus
The Baidyabati Municipality & Ors.

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. Khaza Rajhan Ahmed
Mr. Rudranil Das
... For the petitioner.

Ms. Soma Chowdhury Bandhu
... For Baidyabati Municipality

1. Affidavit of service filed in Court is taken on record. Despite service, apart from the municipal authorities other respondents are not represented.
2. The petitioner claims to have acquired interest in respect of the property lying and situate at municipal holding no. 141(63) Goylapara Lane, Chatra, Police Station – Serampore, Ward No.4 District- Hooghly, by virtue of a registered deed of gift executed by her husband on 30th April, 1984. According to the petitioner, originally the aforesaid property was partitioned in the year 1984 whereunder a demarcated portion alongwith structure was allotted in the favour of her husband. According to the petitioner, the petitioner's husband had also transferred a portion of the aforesaid property unto and in favour of the private respondent. Incidentally, since the petitioner having noticed that the private respondent had

commenced unauthorized construction on the holding no.372 (149A) G. T. Road, Boubazar, which is in the south-eastern portion of her property, had lodged a complaint with the municipality. According to the petitioner despite making such complaint on 10th July, 2023, no steps have been taken by the municipal authorities.

3. Having heard the learned advocates appearing for the respective parties, I am of the view since a complaint has been made by the petitioner, the municipal authorities must take a decision on the complaint made by the petitioner.

4. Such decision must be taken upon giving an opportunity of hearing to all concerned and by carrying out an inspection, if necessary. If, the municipal authorities after conducting such enquiry is of the view that any illegal construction has come up at the instance of the private respondent, appropriate steps shall be taken in that regard in accordance with law.

5. With the above observations and directions, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)