

26.11.2025
Sayandeep
Sl. No. 23
Ct. No. 03

WPA 540 of 2024

Sanjib Chakraborty & anr.
Vs.
The State of West Bengal & ors.

Mr. Uttiya Ray
Ms. Anima Maity
..... for the petitioners

Mr. Subhasish Bandyopadhyay
..... for the Municipality

Mr. Debnarayan Banerjee
Md. Ahsanuzzaman
..... for the State

Mr. Mukteswar Maity
Mr. Santi Ranjan Hazra
Ms. Manika Sarkar
..... for the respondent No. 5

1. The present writ petition has been filed, inter alia, praying for a direction upon the municipality to consider the petitioners' representations and take a decision thereon. Records would reveal that the private respondent No. 5, namely, Keshab Chakraborty had initially lodged a complaint that the petitioners herein had carried out an illegal construction without obtaining any sanction from Burdwan Municipality. To enforce steps on the basis of such complaint, a writ petition was filed which was registered as WPA 20341 of 2022. A Co-ordinate Bench of this Court by order dated 13th February, 2023 by noting the rival contentions of the parties, inter alia, including the claim made by the private

respondent therein who is the petitioner in the instant case that the complaint was a counterblast to the private respondent's complaint that the Court was pleased to direct the municipal authorities to decide the cause by passing a reasoned order on the following terms:

"The petitioner complains that the private respondents extended portions of the constructed area without obtaining any sanction from the Bardhaman Municipality. Complaint lodged by the petitioner is pending consideration.

Learned advocate representing the private respondents submits, upon instruction that, the petitioner and the private respondents are co-sharers of the subject property. It is submitted that construction has been made at the instance of the private respondents. The present writ petition is a counter blast to the complaint lodged by the private respondents against the petitioner alleging illegal and unauthorized construction.

As the Municipality is not represented, the Court is not in a position to decide the issue conclusively.

In view of the above, the present writ petition is disposed of by directing the Bardhaman Municipality to take steps to consider the representation filed on behalf of the petitioner in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order and communicate-the same to all the parties immediately thereafter.

The Municipality shall decide all the objections filed by the parties simultaneously to avoid conflicting decisions in the matter.

The Municipality shall ensure that the matter is disposed of at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The learned advocate for the petitioner is directed to forward a copy of the representation dated July 19, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.”

2. Pursuant to the aforesaid order, the municipal authority had taken steps and passed an order dated 24th November, 2023. The said order forms subject matter of challenge in an appeal before the Civil court

having jurisdiction which has been registered as misc. case No. 77 of 2023. The petitioners are, however, aggrieved that notwithstanding the Coordinate Bench directing the municipal authority to decide on the objections and/or complaints of the petitioners the same have not been considered.

3. Mr. Bandyopadhyay, learned advocate representing the municipality by placing before this Court the report dated 25th November, 2025 would submit that a spot verification has already been conducted to ascertain the veracity of the petitioners' complaint. Let the copy of the aforesaid report be taken on record. I find that the municipal authorities are yet to decide on the petitioners' complaint. Having regard thereto, I direct the municipality to take a decision on the petitioners' complaint in accordance with law upon giving an opportunity of hearing to the interested parties by passing a reasoned order. Such decision must be taken as expeditiously as possible preferably within a period of 6 weeks from the date of communication of this order.
4. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)