

01.12.2025
sayandeep
Sl. No. 07
ML
Ct. No. 03

WPA 1779 of 2024

Bhanu Sekhar Shaw
Vs.
Naihati Municipality & ors.

Mr. Abhishek Verma
Mr. A. Sinha Verma
Mr. Swaraj Naskar
Ms. Aparna Sarkar
Ms. B. Debnath

....for the petitioner

Mr. Aranya Saha

..... for the municipality

Mr. Bikash Shaw
Sk. S. Islam

.... for the respondent No.7

1. The affidavit-of-service filed in Court today be taken on record.
2. This matter has checkered history. The private respondent complaining illegal and unauthorized construction at premises No. 564 R.B.C. Road, P.O. Hazinagar, P.S. Naihati, District, North 24 Parganas PIN 743135 had filed a writ petition since, its complaint was not been considered by the municipality. Such writ petition registered as WPA 23453 of 2022 (hereinafter referred to as the first writ petition).
3. A co-ordinate Bench of this Court taking note of the submissions made by the respective parties had directed the municipality to consider and disposed of the complaint made by the petitioner in first writ petition in accordance with law.

4. Pursuant to the aforesaid order, Chairman of the municipality had passed an order dated 2nd December, 2023 directing demolition of illegal/unauthorized construction. The private respondent No. 5 in the first petition challenging the aforesaid order dated 2nd December, 2023 had filed a writ petition before this Court which was registered as WPA 28649 of 2023 on the ground that the Chairman of the municipality was not competent to pass the demolition order.
5. Accordingly, the co-ordinate bench of this Court by order dated 3rd January, 2024, by holding that the Board of Councilors of municipality ought to have passed the order of demolition had directed the municipality to take steps in terms of the order dated 7th August, 2023 passed in WPA 23453 of 2022.
6. The instant writ petition has, however, been filed by the private respondent No. 7 in the first petition alleging illegal construction at the behest of the writ petitioner in the first writ petition. It is alleged that illegal construction has taken place at premises No. 563/1 and 563/1/1 R.B.C. Road, P.O. Hazinagar, P.S. Naihati, PIN- 743 135. A complaint in this regard has also been made on 30th December, 2023. The petitioner is aggrieved by the failure on the part of the municipal authority to decide on the above complaint.

7. Having heard the learned advocates appearing for the respective parties, though Mr. Shaw, learned advocate for the private respondent herein would complain that the writ petition is a counterblast to the first writ petition filed by the private respondent, however, taking note of the submissions made by the parties that the Board of Councilors are yet to take a decision in terms of the order dated 3rd January, 2024 and also considering the fact that the complaint has been made by the petitioner in the instant writ petition, I am of the view that all the issues can be decided once and for all by the municipality.
8. Accordingly, I direct the municipality to decide the complaint of illegal construction made by the petitioner while taking a decision in terms of the order dated 3rd January, 2024 as expeditiously as possible preferably within a period of 6 weeks from the date of communication of this order.
9. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)