

29.04.2025
Sl. No. 05
Ct No. 3
SG

WPA 3349 of 2025

**Manoj Singh
Vs
The State of West Bengal & Ors.**

Mr. Rajib Mohan Chatterjee,
Mr. Supratim Laha,
Mr. Balaji Chakraborty,
Mr. Sauryabrata Chakraborty.
...for the petitioner

Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag,
Mr. Tirthankar Dey.
...for BMC

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner has preferred the present writ petition challenging the order dated 10.01.2025 passed by the Commissioner, Bidhannagar Municipal Corporation whereby the petitioner was directed to close down the illegal commercial business at plot no. AD-175, Sector – I, Salt Lake City, P.S. Bidhannagar (North) within a period of two weeks from the date of receipt of the said order.
3. It is the case of the petitioner that he was running a business of guest house from AD-175, Sector – I, Salt Lake City, Kolkata – 700 064, by renting such portion of the said premises and after complying with the terms and conditions of the

Bidhannagar Municipal Corporation and obtaining Certificate of Enlistment from them upon payment of necessary fees.

4. Learned Counsel for the petitioner submits that the respondent no. 6, the landlord of the premises in question, inducted him into the property in question with complete knowledge that the petitioner wanted to run a guest house from the said premises. Learned Counsel for the petitioner further submits that it was the duty of the landlord to obtain necessary permission from the municipal corporation in view of the Government of West Bengal Notification dated 28.04.2015. He further contends that in the year 2023, the respondent no. 6 tried to increase the rent of the said tenancy from Rs. 60,000/- per month to Rs. 70,000/- per month upon such dis-agreement the petitioner was threatened with forceful eviction from the said property by the respondent no. 6. As a consequence of which the petitioner filed a Title Suit being TS 97 OF 2023, before the Learned Civil Judge (Junior Division) at Bidhannagar and obtained an interim protection from the said Court against the illegal attempt of the respondent no. 6 to forcefully evict the petitioner. He further contends that to stop the business of the petitioner and ultimately forcefully evict the petitioner, the respondent no. 6 had filed the

earlier writ petition being WPA 15414 of 2024, titled as *Sanjibeswar Roy vs. The State of West Bengal and Ors.* Vide order dated 23.09.2024 this Court directed the Commissioner of the respondent municipality to decide the representation of the petitioner therein after affording an opportunity of hearing to all the concerned parties. Pursuant to the said direction, a hearing was conducted and the commissioner passed an order dated 10.01.2025, which is impugned in the present writ petition.

5. He further contends the respondent-municipality in connivance with the landlord (respondent no. 6) has passed the present impugned order.

6. This Court has heard the argument advanced by the Counsel for the petitioner and has perused the documents placed on record.

7. It is an admitted position that the petitioner has been running the guest house from the said residential premises without obtaining the requisite permission from the Respondent Municipality for change of use from residential to commercial purpose. The respondent had conducted an inspection wherein they found that the commercial activity being carried out in

the form of a guest house by the petitioner concerned. The Commissioner had passed the impugned order considering the fact that the petitioner neither obtained the consent of the landlord nor secured permission from the Urban Development and Municipal Affairs Department, Government of West Bengal. Running a commercial establishment from a residential premises without due conversion is impermissible under the law.

8. This Court finds no legal infirmity or procedural irregularity in the order passed by the Bidhannagar Municipal Commissioner as the property in question is residential in nature, no commercial activity can lawfully be conducted therein without conversion of land use in accordance with statutory provisions.

9. In view thereof, the present writ petition is dismissed.

10. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

11. There shall be no order as to costs.

12. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)