

08.04.2025
Sl. No. 09 & 11
Ct No. 3
SG

**WPA 6292 of 2024
(CAN 1 of 2025)**

**Sandhya Paul
Vs
Bidhannagar Municipal Corporation & Ors.**

With

**WPA 15057 of 2024
(CAN 1 of 2025)**

**Shashi Agarwal
Vs
Bidhannagar Municipal Corporation & Ors.**

Mr. Shyamal Chakraborty,
Mr. Debajyoti Mondal.
...for the petitioner
in WPA 6292 of 2024

Mr. Shuvasish Sengupta,
Mr. Souvik Ghosh.
... for the petitioner
in WPA 15057 of 2024

Mr. Sirsanya Bandopadhyay,
Mr. Tirthankar Dey.
...for BMC

Mr. Shyamal Chakraborty,
Mr. Debajyoti Mondal.
...for respondent no. 10
in WPA 15057 of 2024

Mr. Shuvasish Sengupta,
Mr. Souvik Ghosh.
...for respondent no. 10
in WPA 6292 of 2024

Mr. Suman Dey.
...for the State
in WPA 6292 of 2024

Mr. Sudipta Panda,
Ms. Arpita Mondal.
...for the State
in WPA 15057 of 2024

1. Both the aforementioned writ petitions are taken up together.

2. This is the second round of litigation between the parties. Earlier also the petitioners had filed petitions against each other raising allegations of unauthorized construction on their respective premises. In the earlier round of litigation, two writ petitions being W.P.A. 24925 of 2018 and W.P.A. 23954 of 2018, were filed before this Hon'ble Court and were taken up for hearing on 26.02.2024. During the proceedings, the order dated 09.02.2024 issued by Bidhannagar Municipal Corporation was placed before the Court for its consideration. Upon hearing the said petition, this Court observed that both parties had alleged non-consideration of their respective representation by the Bidhannagar Municipal Corporation. However, since the corporation had, in the meantime, heard both sides and pass a reasoned order dated 09.02.2024, the original writ petitions had effectively become infructuous, as a fresh cause of action had emerged from the issuance of the said order. On taking into consideration of the aforesaid developments, this Court by an order dated 26.02.2024, was please to grant liberty to both petitioners to file fresh writ petitions challenging the

order dated 09.02.2024 passed by Bidhannagar Municipal Corporation.

3. In the present writ petitions, the petitioners seek to assail the aforementioned final order dated 09.02.2024. It is the contention of the petitioners that the orders passed by the commissioner are unsustainable in law, primarily on the ground that the inspection report, which forms the basis of the impugned orders, lacks material particulars. Consequent to the order of the Commissioner, a demolition notice dated 26.03.2025 was issued by the Bidhannagar Municipal Corporation, offering the petitioners the option of self demolition, failing which the corporation would proceed with the demolition upon evacuation of the premises within a period of two weeks.

4. Learned Counsel for the petitioner in WPA 6292 of 2024 states that the order dated 09.02.2024 shows that as per the inspection report there is a projection on the stair landing and the same is beyond the sanctioned building plan. Learned Counsel for the petitioner further states that the said deviation is capable of being regularized by the Corporation.

5. In response, learned Counsel for the respondent-corporation has categorically stated that there is no statutory provision under the governing

municipal laws that would permit regularization of such unauthorized construction.

6. Learned Counsel for the petitioner in WPA 15057 of 2024 states that he has made an application for regularization which has not been decided.

7. Learned Counsel for the respondent-corporation reiterates that no statutory mechanism exist for the regularization of structural deviations beyond the sanctioned plan.

8. Upon a careful consideration of the records, this Court notes that the impugned demolition order appears to have been passed based on inspections conducted by the corporation. However, the order dated 26.03.2025 fails to delineate with precision the areas deemed to be unauthorized or in deviation from the sanctioned plan. Notably, no sketch map or structural lay out indicating the alleged infractions has been appended to the order, thereby rendering it procedurally deficient and lacking in clarity.

9. This Court directs the Bidhannagar Municipal Corporation to undertake a fresh inspection of both properties. Pursuant to such inspection, a detailed show-cause notice shall be issued to the respective petitioners, clearly identifying and marking the areas alleged to be unauthorized or in violation of the

sanctioned building plan. This exercise shall be completed within a period of two weeks.

10. Upon issuance of the show-cause notice and after affording the petitioners an opportunity to respond, appropriate action may be taken either by the petitioners by undertaking self demolition or by the corporation in accordance with law. Until such time the demolition process shall remain stayed for a period of four weeks from the date of this order.

11. With the above directions, both the writ petitions along with all connected applications are disposed of.

12. There shall be no order as to costs.

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

(Gaurang Kanth, J.)