

20.03.2025
Sl.No.191
Ct. No.15
S.A.

WPA 6251 of 2025

Jayanta Adhikary

-vs-

The State of West Bengal & Ors.

Ms. Mallika Manna

...for the petitioner

Mr. Arijit Dey

...for the Municipality

Mr. Sagnik Chatterjee

Mr. B. Das

...for respondent no.5

Mr. Gourav Das

Ms. Arpita Mondal

...for the State

The petitioner challenges an order dated February 5, 2025, issued by the Chairman of Baranagar Municipality, directing the petitioner to remove the alleged unauthorised extended portion of his shop within seven days from the date of receipt of the order.

The learned counsel for the petitioner submits that the said order was passed without providing an opportunity for a hearing. Furthermore, the petitioner claims that the copy of the report, upon which the impugned order of February 5, 2025, was based, was never served upon him.

In contrast, the learned counsel representing the Municipality argues that the allegation of encroachment against the petitioner is correct.

The learned counsel for respondent no.5 also produces some photographs that purportedly show

the petitioner's encroachment in the construction of his shop on land that does not belong to him.

However, I am not inclined to keep this writ petition pending.

Accordingly, I direct Baranagar Municipality to provide a copy of the report to the petitioner within two weeks from the date of this order. The petitioner shall be given an opportunity to respond to the Municipality's report. The Municipality shall also provide an opportunity for a hearing to both the petitioner and respondent no. 5, and, after hearing the parties, an order shall be passed by the Municipality in accordance with the law. This entire process shall be completed within two months from the date of this order.

The impugned order dated February 5, 2025, is hereby quashed.

Accordingly, **WPA 6251 of 2025** is disposed of.

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

(Kausik Chanda, J.)