

27.10.2025
Ct. No.3
Sl. No.1
akd

W. P. A. 7711 of 2023

[Rampada Jana & Anr. -Vs- State of West Bengal & Ors.]

Mr. Nanda Dulal Bandyopadhyay
Mr. Swapan Kumar Barik
... ... for the petitioners

Ms. Mousumi Bhowal
Mr. Ishan Bhattacharya
... ... for the Municipality
[South Dum Dum Municipality]

Ms. Jayeeta Sinha
Mr. Sandip Mandal
... ... for the State

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioners have preferred the present writ petition being aggrieved by the inaction on the part of the respondent-South Dum Dum Municipality in failing to take any action *qua* the alleged illegal and unauthorized construction being carried out at Premises Nos. 39A and 179, Debinibas Road, P.S. Dum Dum (now Nager Bazar), Kolkata – 700074, at the instance of the private respondents.
3. It is the case of the petitioners that they are the absolute owners and residents of Premises No. 253, Debinibas Road, P.S. Dum Dum (now Nager Bazar), Kolkata. The petitioners have constructed a residential building therein after obtaining due sanctioned building plan. The petitioners submit that the said illegal and unauthorized construction of the private respondents is causing inconvenience to them by obstructing the natural flow of air and sunlight to their plot of land. They further submit that the private respondents are carrying out the unauthorized construction without leaving any mandatory space on the sides in blatant violation of the applicable building by-laws. Despite

filing representation dated 18.08.2022, no action has been taken by the respondent-South Dum Dum Municipality.

4. Learned counsel for the respondent–South Dum Dum Municipality submits that the authorities are ready and willing to consider and dispose of the representation of the petitioners dated 18.08.2022.

5. In light of the above submission, learned counsel for the petitioners submits that the petitioners would be satisfied if their representation dated 18.08.2022 is considered and decided by the Municipality in a time-bound manner.

6. Accordingly, this Court directs the Chairman, South Dum Dum Municipality (respondent no.3), to consider and decide the representation of the petitioners dated 18.08.2022 by passing a reasoned and speaking order, strictly in accordance with law, within a period of six weeks from the date of communication of this order. Prior to the passing of such order, the said authority shall afford an opportunity of personal hearing to the petitioners as well as the private respondents or any other stakeholder.

7. With the aforesaid directions, the present writ petition is disposed of.

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

9. There shall be no order as to costs.

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

(Gaurang Kanth, J.)