

29.10.2025
Sl. No. 8
Ct No. 3
SG

WPA 7780 of 2023

Tapas Kumar Roy Chowdhury
Vs
Bidhannagar Municipal Corporation & Ors.

Mr. Subhabrata Dutta,
Mr. Debashis Sarkar,
Mr. T. Saha.

...for the petitioner

Mr. S. Bandopadhyay,
Mr. A.K. Nag,
Mr. T. Dey.

...for BMC

1. Affidavit-of-service is taken on record.
2. The petitioner has preferred the present writ petition challenging the impugned order dated 06.03.2023 passed by the respondent no. 4 whereby the owner of the premises no. AE-827, Sector-I, Salt Lake City, Kolkata, was asked to stop the internal renovations work and demolish the unauthorized MS tin shed which covers the mandatory open space. It has also been clarified by the respondent that no construction in the said premises will be permitted till the mutation is obtained from the UD & MA Department and that the petitioner secures a revised sanctioned building plan from the respondent-Corporation to carry out any renovation work.

3. It is the case of the petitioner that the petitioner's father was the absolute owner of the premises in question by dint of the registered lease deed dated 08.01.1974 and deed of rectification dated 12.08.1998. The father of the petitioner died on 04.03.2020. As per the last Will dated 17.01.2007 executed by the petitioner's father, the ground floor of the said premises devolved upon his two daughters and the entire first floor in addition to the back side open lawn and space with other open space in the ground floor of the said premises was bequeathed to the petitioner. The said will was duly probated on 27.04.2012. The petitioner further contends that he has not been able to mutate the property in his name due to non-cooperation from his sisters. The petitioner states that he received an order dated 06.03.2023 from respondent no. 4, directing him to stop the renovation work and to demolish the MS tin shed allegedly erected over the mandatory open space.

4. It is the allegation of the petitioner that the impugned notice dated 06.03.2023 was issued without giving an opportunity of hearing to the petitioner and without conducting any inspection on the said premises. He states that as per the sanctioned plan, there exists a provision for garage and hence the petitioner was merely constructing the same in

accordance with the sanctioned plan. He further asserts that no internal renovation work was being carried out. Perusal of the impugned order dated 06.03.2023 reveals that it is in the nature of a notice, issued to the petitioner. By the said notice the respondent has directed the petitioner to stop the internal renovation work and remove the alleged unauthorized construction in the form of MS tin shed covering the mandatory open space. In the impugned order it has been categorically mentioned that the same is a notice issued under the West Bengal Municipal Corporation Act, 2006.

5. Since it is a notice issued under the West Bengal Municipal Corporation Act, 2006 the said proceeding initiated vide notice dated 06.03.2023 is required to be concluded within a time bound manner.

6. Accordingly, the respondent-Corporation is directed to conclude the said proceeding after giving an opportunity of hearing to the petitioner as well as to any other stakeholders within a period of six weeks strictly in accordance with law. The final order shall be communicated to the petitioner by way of a speaking order, within one week thereafter.

7. With the above direction, the present writ petition stands 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.)