

25.08.2025
Sl. No.49
Ct. No.42
SS

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 8504 of 2024

Sri Ajoy Dhar

Versus

The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. K. Raihan Ahmed

...for the Petitioner.

Ms. Sipra Mazumder
Ms. Prativa Ghatak

... for the State

Ms. Mekla Sinha

... for the Howrah Zilla Parishad

Mr. Satyajit Talukdar
Mr. Arindam Chatterjee

.... For the K.M.D.A./
respondent nos.,2 & 3

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for direction upon the respondent authorities to draw up appropriate proceedings against illegal and unauthorised construction undertaken by the private-respondent no.7 over and above the Unit No.A/02/50, Phase I, Kolkata West International City, District Howrah.
3. The petitioner contends that on 21st December, 2004, a tripartite lease agreement was executed between the Governor of West Bengal, respondent

no.4, Kolkata West International City Private Limited and respondent no.2, the Kolkata Metropolitan Development Authority for the purpose of development of commercial-cum-residential township in the District of Howrah. The petitioner upon payment of total consideration of sum of Rs.44,49,966/-, has been allotted a D-Type (Row House) Unit No.A/02/49, Phase-I, Kolkata West International City, District Howrah vide declaration-cum-possession letter dated 26th September, 2012. The private respondent no.7 who is also an allottee in respect of adjoining bungalow being Unit No.A/02/50, Phase-I of the township has undertaken illegal construction of roof casting in respect to the open balcony over and above the first and second floor thereby extending the roof of the third floor and also expanding the room that has been constructed by the Kolkata West International City Pvt. Ltd. on the third floor of the said row house. Such illegal activity of private respondent no.7 was brought to the notice of Howrah Zilla Parishad by the petitioner vide letter dated 20th February, 2024. However, no steps have been taken on the complaint lodged by the petitioner since then. Hence, this writ petition.

4. Mr. Tanmoy Mukherjee, learned Advocate for the petitioner submits that the private-respondent no.7 has made illegal construction of roof casting in

respect to the open balcony in violation of Clause (g) of the terms of the sub-lease agreement dated 29th January, 2016. The matter was brought to the notice to the Howrah Zilla Parishad. However, since lapse of a considerable period, the Howrah Zilla Parishad did not respond. Finding no other alternative, the petitioner has preferred the present writ petition. He seeks that the matter be relegated to the Howrah Zilla Parishad to consider the representation of the petitioner and take appropriate steps in accordance with law as expeditiously as possible.

5. Ms. Mekhla Sinha, learned Advocate representing the Howrah Zilla Parishad agrees to the submissions of relegation as advanced on behalf of the petitioner.
6. Mr. Satyajit Talukdar, Kolkata Metropolitan Development Authority, respondent nos. 2&3 submit that the authority has conducted an enquiry and found that additional construction has been made by the private respondent no.7 at Bungalow being Unit No.A/02/50 against which no permission was obtained either from the Kolkata Metropolitan Development Authority or from the Kolkata West International City Pvt. Ltd and thus such construction is illegal.
7. Despite service none appears on behalf of the private respondent no.7.

8. In view of the above and considering the submissions advanced by learned Advocates for the respective parties, the writ petition being **WPA 8504 of 2024** is disposed of by directing the State-respondents to appoint a hearing officer under Section 160A(6) of the West Bengal Panchayat Act, 1973 who shall consider and dispose of the representation of the writ petitioner dated 20th February, 2024 in accordance with law by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondent no.7. A report of such inspection along with sketch map be prepared, which shall be handed over to the parties.
- (ii) Thereafter the parties including the petitioner and private respondent no.7 shall be heard upon notice and representation of the petitioners dated 20th February, 2024 shall be disposed of by a reasoned order which shall be communicated to the parties within a week of passing of such orders. Parties are granted liberty to produce all relevant records and documents before the hearing officer under Section 160A of the West Bengal Panchayat Act at the time of hearing.
- (iii) In the event it is found that such construction has been made in contravention of provisions of law, the proceedings shall be taken to its logical

conclusion in terms of provisions of Section 160A of West Bengal Panchayat Act, 1973.

(iv) The entire exercise shall be completed within a period of two months from date of communication of this order.

9. The learned Advocate for the petitioner is directed to communicate this order to the respondent No.5, Howrah Zilla Parishad along with copy of the representation dated 20th February, 2024.

10. It is made clear that this Court has not gone into the merits of this writ petition.

11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

12. Interim order, if any, stands vacated.

13. All connected applications, if any, stand disposed of.

14. There shall be no order as to costs.

15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)