

**03.11.2025**  
**sayandeep**  
**Sl. No. 12**  
**ML**  
**Ct. No. 03**

**WPA 13242 of 2024**

Sutapa Chakraborty  
Vs.  
The State of West Bengal & ors.

Mr. Ayan Banerjee  
Mr. Partha Pratim De  
Mr. Pinaki Brata Ghosh  
Mr. Abhinaba Roy

....for the petitioner

Mr. Mir Amuruzzaman

..... for the Municipality

Mr. Shyamal Chakraborty  
Mr. Debajyoti Mondal

.... For the respondent Nos. 8 & 9

1. The instant writ petition has been filed, *inter alia*, praying for a direction upon the municipal authorities to take immediate steps in relation to the illegal fixation of a glowing hoarding made of aluminum and hung with iron bracket installed and constructed by the private respondents on the outer wall of the ground floor of premises situated at Preyasi apartment, 331, West Balia, Garia Station Road, Post Office Garia, Police Station Narendrapur, Ward No.1 Sonarpur Rajpur Municipality, Kolkata-700084. According to the petitioner, the aforesaid construction has been carried out in violation of the sanction building plan. In this regard, it is relevant to note that the petitioner had already made a complaint with the municipal authorities on 15<sup>th</sup>

May, 2023. The petitioner contends that no steps have been taken by the municipal authorities on the basis thereof.

2. Mr. Banerjee, learned advocate representing the petitioner by drawing attention of this Court to the West Bengal Municipal Act, 1993 and in particular, Section 2, sub-Section (3) thereof would submit that the definition of the building means any structure constructed for whatsoever purpose enclosing or intend to enclose any land and sign or outdoor display structure. According to him, the above offending structure constitutes a display structure. I find that in the instant matter, the municipality has filed affidavit-in-opposition and has already taken steps to ascertain whether there is any illegal construction in the aforesaid premises. According to the private respondent, the petitioner has also carried illegal construction by constructing a box type window. Such construction should also be demolished.

3. I also notice that the private respondent has already responded to a show cause dated 5<sup>th</sup> August, 2025. The above show cause, however, appears to be issued under Sections 121, 124, 125 and 126 of the said Act. No steps have, however, been taken by the municipal authorities against the private respondent under the provisions of Section 218 of the said Act.

4. Having regard to the peculiar facts as noted hereinabove, I am of the view that it is for the municipal authorities to take steps on the basis of the complaint made by the petitioner. If the municipal authorities have not proceeded so far, immediate steps must be taken by the municipal authorities to carry out a joint inspection and to proceed against illegal construction, if any, in the premises in question and to take a decision on the petitioner's complaint and/or to bring such proceedings to a logical conclusion by demission of illegal structure, as expeditiously as possible preferably within a period of 8 weeks from the date of communication of this order.
5. With the above observations and directions, the writ petition is disposed of.

**(Raja Basu Chowdhury, J.)**