

10.12.2025  
Ct. 3  
Item No.  
AD 09  
sayandeep

**WPA 12961 of 2025**

**Amit Kumar Manna  
Versus  
The State of West Bengal & Ors.**

Mr. Malay Bhattacharyya  
Mr. S.sungupta  
... For the petitioner  
  
Mr. P.C. Das  
Ms. Soma Chowdhury Bandhu  
...For the Baidyabati municipality  
  
Mr. Partha Pratim Roy  
Mr. Samrat Chakraborty  
.... For the respondent Nos. 6,7,8

1. Complaining illegal construction at the behest of the private respondents, the writ petition was filed. When the writ petition was entertained by an order dated 25<sup>th</sup> November, 2025 this Court was, inter alia, pleased to observed as follows:

- “1. Affidavit of service filed in Court is taken on record.
2. Despite service, respondents are not represented.
3. According to the petitioner, the private respondents have been illegally constructed upon the property lying and situate at holding no. 297 (103/1) G.T Road under Ward No. 22 of Baidyabati Municipality. According to the petitioner a G+4 storied residential cum commercial building is being constructed on the aforesaid plot without leaving the mandatory side open space. Photocopies have also been annexed to substantiate the petitioner’s claim.

4. Considering the seriousness of the allegation and noting that the petitioner has already lodged a complaint with the Baidyabati Municipality and according to the petitioner, no steps have been taken, I am of the view that the Chairman of the municipality should forthwith carry out an inspection of the property in question and file a report in that regard on or before the matter is taken up next.

5. The petitioner is directed to communicate this order to the non-appearing respondents and to file a fresh affidavit of service when the matter is taken up next.

6. Let this matter appear for further consideration under the same heading on 10<sup>th</sup> December, 2025.”

2. Pursuant to the aforesaid order, the Chairman Baidyabati Municipality has filed a report dated 9<sup>th</sup> December, 2025 which is taken on record.

3. As would appear from the above report, the Baidyabati Municipality had issued a sanctioned building permit for construction of G+4 storied building. The report further records that in course of field visit on 6<sup>th</sup> December, 2025, it was observed that construction is in progress and the vacant space to be left as per the sanctioned plan had been violated. Prima facie, therefore, it would transpire that the private respondents have acted in breach of the sanctioned building plan. Although the private respondents are represented, the learned advocate seeks some more time to enlighten this Court as regards the actual state of affairs prevailing.

4. Having heard the learned advocates appearing for the respective parties, I am of the view that since an inspection has been carried out and a report has been filed, copy thereof, must be circulated by the municipality amongst the parties. Further, since, prima facie, there appears to be violation of open space as per the sanction building plan, in my view, it shall be prudent at this stage to direct the municipality to take appropriate steps in accordance with law and to enforce the notice dated 2<sup>nd</sup> August, 2025. It is made clear that if the private respondents are acting in breach of the direction dated 2<sup>nd</sup> August, 2025, the municipality shall be at liberty to enforce such notice with aid and assistance of the local police. If such assistance is sought for, the local police shall provide adequate assistance to the municipality. The proceeding which has been directed to be initiated must be brought to a logical conclusion upon giving opportunity of hearing to the person responsible and in accordance with law within 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.)**