

09.12.2025
Ct. 3
Item No.
AD 11
Saswata

WPA 13165 of 2025
Soma Sarkar @ Soma Sen
Versus
Baranagar Municipality & Ors.

Mr. Ayan Banerjee
Mr. Dhiman Banerjee

...For the petitioner

Mr. Arijit Dey

...for the Baranagar Municipality

1. Affidavit of service filed in Court today is retained with the record.
2. According to the petitioner, though the petitioner has attempted service on the private respondent, the envelope addressed to the private respondent has been returned with the endorsement “*left*” though the address of the private respondent was correctly inserted.
3. It is the petitioner’s case that the petitioner had entered into a development agreement for construction of a G+II storied building subject to the sanction by Municipal authorities. The municipal authorities, however, had issued a building permit on 4th April 2023 thereby sanctioning G+II storied building. According to the petitioner, the private respondent who is a developer upon completing the super structure of the G+II storied building had started constructing an additional floor. Faced with the prospect of the unauthorized construction, the petitioner was compelled to lodge a complaint with the municipality. Factum of such complaint would corroborate from the receipted stamp dated 16th May

2025 issued by the municipality on the copy of such letter.

4. According to the petitioner, the conduct of the private respondent in purporting to carry out the illegal construction has made the entire construction vulnerable.
5. Mr. Banerjee, learned advocate appearing for the petitioner insists that the municipality should take immediate steps to arrest the illegal construction at the aforesaid premises being premises no.11, S.B.Neogi Garden Lane under Baranagor Municipality, ward no. 26.
6. The municipality is represented.
7. Having heard the learned advocates appearing for the respective parties and noting that the petitioner had entered into an agreement with the private respondent for construction of a G+II building and the municipality having sanctioned the building permit on 4th April 2023, for construction of a G+II storied building in respect of premises no.11, S.B.Neogi Garden Lane under Baranagor Municipality, ward no. 26, I am of the view that the municipality should take immediate steps in the matter by carrying out an inspection in presence of the petitioner. If upon such inspection, it is found that there has been illegal construction, appropriate steps should be taken in accordance with West Bengal Municipal Corporation Act 1993 for removal of such unauthorized construction in accordance with law.

8. The above direction is issued, since the petitioner being the land owner is not interested to retain the unauthorized construction.
9. With the above direction and observation, the writ petition is disposed of.
10. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)