

10.12.2025

DL-10

Ct. No. 03

Srimanta

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA/13384/2025

Soma Mallick

-Vs.-

State of West Bengal & Ors.

Mr. Saunak Bhattacharya,
Mr. Sounak Mondal,
Mr. Anirban Saha Roy,
Ms. Bipasha Bhattacharyya

...for the petitioner.

Mr. Arindam Chattopadhyay,
Mr. Soumik Dey

...for the State.

Ms. Sudarsan Roy,
Mr. Romit Bose

...for the North Dum Dum Municipality.

1. Affidavit-of-service filed in Court today be kept with the record.

2. The instant writ petition has been filed, *inter alia*, praying for a direction upon the Municipal Authorities to demolish the unauthorized construction made by the private respondents at holding no. 29/1, Kadihati Bishnupur Road, P.O.-Ganti, Via – Ganganagar, P.S.- Narayanpur, District – 24-Parganas (North), Kolkata – 700132. The matter has a chequered history. Petitioner is the widowed daughter-in-law of the private respondent nos. 7 and 8. According to the petitioner, after the demise of her husband on 14th

May, 2021 her in-laws had driven her out from the matrimonial home. Diverse allegations have been made by the petitioner against her in-laws and a complaint in this regard was also lodged with the Commissioner of Police, Bidhannagar Police Commissionerate on 28th February, 2023. Incidentally, on the selfsame date the petitioner also lodged a complaint with the Municipal Authority regarding illegal construction without approval of the Municipality, blocking of her water supply and jamming of her sewerage connections at holding no. 286/N, Kadihati Bishnupur Road, P.O. – Ganti, via Ganganagar, P.S. – Narayanpur, District – 24-Parganas (North), Kolkata – 700 132. Following the above a counter complaint was lodged by the private respondent no. 9 complaining that the petitioner has been carrying out illegal construction without the approval of the Municipality. Based on the above complaints, a joint inspection of the above holding was conducted by the Engineer of the Municipality on 15th March, 2023 and on the basis thereof, diverse observations were made which have already been recorded in the order dated 17th July, 2023 passed by the Chairman of the North Dum Dum Municipality.

3. Records would reveal that a writ petition being WPA/25521/2023 was filed by the petitioner to ensure

that the demolition order passed by the North Dum Dum Municipality dated 27th July, 2023 is implemented. By an order dated 8th January, 2024 a Coordinate Bench of this Court directed to implement the order by 29th February, 2024. Although, an appeal was preferred from such order and though by an order dated 19th February, 2024 the Division Bench of this Court had granted leave to the appellant to file a statutory appeal, the demolition order was admittedly carried out.

4. Now, the petitioner would once again complain that the private respondents have once again started construction and have constructed on the said property and the construction thereon is illegal. Although the petitioner claims to have served on the private respondents, the private respondents are not represented in Court. The Learned Advocate for the Municipality would, however, by placing before this Court an inspection report submit that the petitioner had also previously made a complaint and on the basis thereof an inspection was carried out by the Municipality wherefrom it would transpire that there was no new construction at the site. Factum of such inspection would corroborate from the inspection report dated 27th November, 2024 which has been placed before this Court and is taken on record.

5. Mr. Bhattacharya, Learned Advocate representing the petitioner would, however, contend that the petitioner was not notified while carrying out such inspection. The above submission is disputed by the Learned Advocate for the Municipality.

6. I, however, find that the subsequent complaint made by the petitioner is dated 8th March, 2025 and the same records pucca construction has been raised at the premises without any sanctioned plan. To morefully appreciate the aforesaid complaint the relevant portion thereof is extracted hereinbelow:-

"That presently the aforesaid persons had already are storied pucca structure and are raising further construction at the schedule property without obtaining any sanction building plan and without leaving mandatory side open spaces at the aforesaid schedule property".

Going by the complaint it is difficult to ascertain whether any illegal construction has at all come up after the previous demolition drive. Taking into consideration the peculiar facts I find that the parties are at loggerhead and there is animosity between the parties. At the instance of the petitioner, the Municipal Authorities had already carried out an inspection and during such inspection no new construction was noted. The subsequent allegation

made by the petitioner, in my view, does not make out appropriate ground for activating the State machinery to carry out further inspection of the property at this stage, through the intervention of this Court.

7. The writ petition fails and is, accordingly, dismissed.

8. Needless to mention that the Municipal Authorities shall always be duty bound to ensure that the Municipal Rules are not flouted and may carry out inspect at their discretion.

(Raja Basu Chowdhury, J.)