

24.11.2025
Ct. 3
Item No.
AD 22
sayandeep

WPA 14597 of 2025

**Bhagawan Prasad Shaw
Versus
State of West Bengal & Ors.**

Mr. Dipankar Mandal
Mr. Abdul Aziz Mondal

... For the petitioner

Mr. Srijan Nayak
Mrs. Rituparna Maitra

...For the KMC

Mr. Supratik Basu
Mr. Arpan Ghosh

....for the respondent Nos. 8-10

1. The affidavit-of-service filed in Court today be taken on record.
2. Mr. Basu learned advocate appears on behalf of the private respondent Nos. 8 to 10.
3. The petitioner claims to be a recorded Thika tenant in respect of the premises No. B/21/H/45, Canal East Road, Kolkata 700067. The petitioner has, however, not produced any order passed by the controller under Section 5(3) of the West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001. The petitioner would contend that the mother of the private respondent Nos. 8 to 10 Smt. Puspa Rani Raha, since deceased was a thika tenant in respect of the premises No. B/21/H/45, Canal East Road, Kolkata 700067. According to the petitioner,

the private respondents have been carrying out illegal construction at the premises No. B/21/H/45, Canal East Road, Kolkata 700067(hereinafter referred to as the “said property”).

4. Mr. Basu learned advocate representing the respondent Nos. 8 to 10 denies and disputes the aforesaid allegation.
5. Mr. Nayak, learned advocate appears for the KMC.
6. Having heard the learned advocates appearing for the respective parties and without deciding on the claim of either the petitioner or the respondent Nos. 8 to 10 that they are thika tenant in respect of the said property, I am of the view, since an allegation of the illegal construction has been made, the municipal authorities must enquire into the same. If, on the basis of the enquiry to be conducted by the municipal authorities, upon prior notice to the petitioner and the advocate-on-record for the respondent Nos. 8 to 10, if any illegal construction is detected, immediate steps must be taken to arrest such illegal constructions and initiate appropriate proceeding in accordance with law for demolition of such structure.
7. It is expected that the decision in this regard must be taken by the municipal authorities as expeditiously as possible preferably within a period

of 6 weeks from the date of communication of this order.

8. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)