

16.09.2025

Sl. No.33

Ct.3/ tkm

WPA 14664 of 2025

Mithu Dutta Chowdhury

Vs.

State of West Bengal & Ors.

Mr. Kingsuk Mondal

Mr. Partha Sarathi Mondal

Mr. Chiranjit Saha

Mr. Arijit Talukdar

... ... for the petitioner

Mr. Anand Farmania

... ... for the State

Mr. Sounak Bhattacharya

Mr. Abhirup Halder

Ms. Bipasa Bhattacharya

... ... for the AMC

1. Affidavit of service is taken on record.
2. The petitioner has preferred the present writ petition, being aggrieved by the inaction on the part of the respondent in not passing a reasoned order pursuant to the hearing conducted on 14.8.2024 in respect of the property bearing holding no. New Street Hirapur MCT Pally, Ward no. 106, Borough no. 7.
3. The petitioner submits that he is the lawful owner of the aforesaid land. He applied for sanction of a residential building, and the Building Permit No. SWS-OBPAS/1101/2022/0894 dated P04.01.2023

which was duly granted in his favour which was valid up to 03.01.2026. Pursuant thereto, the petitioner started to construct the boundary wall over the said plot strictly in accordance with the sanctioned plan.

4. It is submitted that the private respondent (the adjacent land owner) has filed a complaint before the respondent corporation alleging that the petitioner is making boundary wall over the above mentioned plot encroaching the public road.
5. Acting upon the said complaint, the respondent issued a work stop notice dated 12.7.2024. Thereafter, a hearing was conducted on 14.8.2024, which was duly attended by the petitioner. After the hearing, the Assistant Engineer directed that a physical survey be conducted to ascertain whether the construction had, in fact, encroached upon the public land as alleged by the complainant. However, despite the said direction, no physical survey has been carried out till date, nor has any final or reasoned order been passed pursuant to the hearing held on 14.8.2024. The petitioner has, on multiple occasions, submitted representations requesting that a final order be passed in

respect of the hearing dated 14.8.2024. Nevertheless, no decision has been communicated to him till date.

6. Being aggrieved by the arbitrary inaction on the part of the respondent in not conducting the survey and not passing the final order, the petitioner has been constrained to file the present writ petition.
7. Learned counsel for the respondent Asansol Municipal Corporation on instruction submits that the authority will pass a final and reasoned order within a period of two weeks.
8. In view of the same, the present writ petition is disposed of with a direction upon the respondent to pass a final and reasoned order strictly in accordance with law, within a period of two weeks with regard to the hearing which has been concluded on 14.8.2024 in respect of the property mentioned hereinabove. The reasoned order shall be communicated to the petitioner within one week from the date of passing of the final order.

(Gaurang Kanth, J.)