

08.08.2025
Court No.13
Item Nos. 13
sp

MAT 1257 of 2025
With
CAN 1 of 2025
Sri Gopal Sarkar
Vs.
Bireshwar Sarkar & Ors.

Mr. Partha Pratim Roy,
Ms. Jeenia Rudra.

..for the appellant.

Mr. Raja Ram Banerjee.

..for the State.

1. The instant appeal is directed against order dated 1st July, 2025 passed by a Single Bench of this Court in WPA 419 of 2025. The writ petitioner therein, who is not represented before this Court despite service, had alleged that the appellant, who was the private respondent no. 6 in the writ petition had made illegal and unauthorized construction. Since the appellant was not represented before the Single Bench, no sanction plan could be produced by any side.

2. The report of the concerned Municipality placed before the Single Bench is dated 26th May, 2025. An earlier report dated 8th May, 2025 placed before this Court by the appellant indicates that there was encroachment on Government Colony Road by the appellant. There was also an unauthorized construction of a room over the existing lintel level without obtaining any sanction from the Municipality. Accordingly, the Municipality appears to have issued a notice of demolition as per resolution dated

26.05.2025 of the unauthorized portion of the construction. Even before this Court, the appellant has not been able to produce any valid sanction plan.

3. In those circumstances, the impugned order directing the Uttarpara Kotrung Municipality to carry out the demolition of unauthorized construction, as expeditiously as possible, calls for no interference whatsoever.

4. It is, however, directed that after carrying out demolition of unauthorized construction made by the appellant, the Uttarpara Kotrung Municipality shall inspect all premises on the same road and assess as to whether any part or portion of any premises is unauthorized or encroaching upon the main road and take steps in accordance with the West Bengal Municipal Act, 1993, as expeditiously as possible.

5. With the aforesaid observations, MAT 1257 of 2025 shall stand disposed of.

6. Consequently, all connected applications, if any, shall also stand disposed of.

7. There shall be no order as to costs.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)