

D/L
Item No. 13
16.07.2025
KOLE

WPA 20947 of 2024

**Vivek Shaw & Ors.
-Vs.-
The State of West Bengal & Ors.**

*Mr. Kumar Jyoti Tewari,
Mr. A. Sinha,
Mr. Aniruddha Tewari,
Ms. Samriddhi Nayek*

...for the petitioners.

Mr. Jyoti Prakash Chatterjee,

.... For the State.

Mr. Syamal Kumar Das,

...for the Municipality.

1. Affidavit of service filed in court today be kept with the records.
2. The petitioners have preferred the present writ petition, being aggrieved by the inaction on the part of the respondent authorities in failing to take appropriate steps to stop or demolish the alleged unauthorized construction being carried out over the land comprised in LR Dag Nos. 3015, 3016, 3017, 3019 and 3020 classified as 'Bil', LR Dag No. 3018 classified as 'Doba' and LR Dag No. 3025 at Mouza-Titagarh, JL No. 5, Touji No. 1091, RS Khatian No. 72/2 corresponding to LR Khatian No. 1492.
3. It is the case of the petitioners that they are absolute owners of the said property by virtue of inheritance. However, the respondent nos. 8 to 10 have illegally encroached upon the said land and commenced unauthorized construction thereon, including the illegal filling up of the water-body.

4. Aggrieved thereby the petitioner had instituted a title suit, being TS Suit NO. 212 of 2024, in the Court of learned Civil Judge, Junior Division, 2nd Court at Barrackpore. The court earlier by an order dated 21.05.2024, was pleased to grant *ad interim ex parte* injunction restraining the respondent nos. 8 to 10 from effecting any change in the nature and character of the said suit property or from carrying out any illegal construction thereon.

5. Despite the subsistence of the said injunction order, the respondent nos. 8 to 10 allegedly continued with the unauthorized construction in violation of the said injunction order. The petitioners have made several representations before the respondent authorities but no action has been taken thereon.

6. Learned Counsel for the respondent Barrackpore Municipality, Mr. Das, states that the authorities are ready and willing to consider the petitioners' representation dated 12.08.2024.

7. Learned Counsel for the petitioners states that the petitioners shall be satisfied if the same is decided within a time bound manner.

8. In view of the submissions made by learned Counsel for the parties, this Court directs the respondent no. 3, Barrackpore Municipality, to decide the petitioners' representation dated 12.08.2024 within a period of eight weeks from the date of communication of this order, strictly in accordance with law, after affording an opportunity of hearing

to the petitioners as well as the private respondents by way of a speaking order.

9. Learned Counsel for the respondent authority, Barrackpore Municipality also submits that a stop work notice has already been issued on 14.07.2025.

10. With the above directions the writ petition stands disposed of.

11. Since no affidavits have been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

12. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Gaurang Kanth, J.)