

01.07.2025
Sl. No.3
akd

W. P. A. 23535 of 2024

[Lopa Sarkar & Ors. -Vs- The State of West Bengal & Ors.]

Mr. Abhimanyu Banerjee
Ms. Sangeeta Singh
Ms. Priyanka Yadav
... .. for the petitioners

Mr. Srijan Nayak
Ms. Rituparna Maitra
... .. for the Municipality
[Balurghat Municipality]

1. Affidavit-of-service filed in court today is taken on record.
2. The petitioners in the present writ petition are aggrieved by the inaction of the respondent-Balurghat Municipality in failing to take appropriate steps to prevent the unauthorized commercial use of a residential building known as ‘*Swapnanir Abasan*’ located at Managalpuri, Hili More, Ward No.10, P.O. Balurghat, Dist. Dakshin Dinajpur, at the instance of the private respondent no.8, for running a hotel under the name and style of ‘*Maa Tara Hotel*’, within the said premises.
3. It is the case of the petitioners that they are the residents of the abovementioned building. The private respondent no.8 is the owner of three flats situated at the ground floor of the said building. While the private respondent no.8 resides in one of the flats, she has converted the remaining two flats into a commercial establishment for running of the said hotel. The petitioners contend that this conversion for commercial use is in violation of the building’s residential nature and has adversely affected their peaceful enjoyment of their premises. Despite lodging multiple complaints with the Balurghat Municipal authorities, no effective action has been taken by the

respondent-Municipality in restraining the private respondent no.8 from using the property for commercial gains.

4. Learned Advocate for the respondent-Balurghat Municipality submits that the authorities are ready and willing to decide the representation of the petitioners dated 09.08.2024.

5. In view of the submission made by the learned Advocate for the respondent-Balurghat Municipality, petitioners submit that they will be satisfied if the respondent-Municipality decides their representation dated 09.08.2024 in a time bound manner.

6. Accordingly, this Court directs the respondent-Balurghat Municipality to decide the representation of the petitioners dated 09.08.2024 and pass a reasoned order in accordance with law within a period of four weeks from the date of communication of this order after affording an opportunity of personal hearing to the petitioners as well as the private respondent no.8.

7. With the aforesaid directions, the present writ petition is disposed of.

8. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)