

24.09.2025  
Sl. No. 19  
Ct No. 3  
tkm

**WPA 23339 of 2025**

**Anirban Sengupta  
Vs  
State of West Bengal & Ors.**

Mr. Sirsanya Bandyopadhyay  
Mr. Rahul Kr.Singh  
...for the petitioner

Mr.Alok Kr. Ghosh  
Mr. Gopal Ch Das  
...for KMC

1. The petitioner has preferred the present writ petition challenging the notice dated 19.8.2025, issued by the respondent no. 6 under section 53 of the West Bengal Town & Country (Planning Development) Act, 1979 and section 17A of the West Bengal Inland Fisheries Act 1993.
2. By the said notice, it has been alleged that certain development activities have taken place in respect of premises no. 132A/1, Ganapati Sur Sarani, involving illegally filling up of water body without obtaining prior permission from the respondent municipality. The impugned notice further directs the petitioner to restore the land to its original condition before the said development work took place within a period of 30 days.
3. It is the case of the petitioner that he has entered into a development agreement with the co-owners for the aforesaid land in the year 2019. Subsequently, upon demise

of one of the co-owners, the petitioner executed a re-development agreement on 30.6.2023. On the strength of the said agreement and power of attorney executed by the petitioner, the petitioner had applied for sanction of G+4 building on the said premises. The building plan was duly sanctioned on 5.8.2023, and the petitioner is correctly carried out the construction strictly in accordance with the sanctioned building plan.

4. Learned counsel for petitioner submits that there was never any water body on the said land at any point of time. The land has always been recorded as land even in the official government records. In support of thereof, the petitioner relies on (i) the assessment roll and inspection book (ii) the performance report dated 24.2.2021 prepared in relation to the water body observation of the said premises (iii) memo dated 16.11.15 issued by the Controller of West Bengal Thika Tenancy; and (iv) the list of water bodies in ward no. 2 prepared by respondent no. 1, all of which demonstrate that no water body ever existed on the said land. Thus, the premises are always being recorded as land and at no stage it has been shown to contain any water body or tank. Accordingly, the petitioner prays for setting aside the impugned notice dated 19.8.2025.

5. It is further contended on behalf of the petitioner that he had filed a detailed reply to the notice dated 9.9.2025.

6. Learned counsel for the respondent submits that the said reply filed by the petitioner will be duly considered within a time bound manner.

7. In view of the aforesaid submissions, the present writ petition is disposed of with a direction to the respondent authority to consider the reply dated 9.9.2025 filed by the petitioner in response to the impugned notice dated 19.8.2025, strictly in accordance with law, after affording an opportunity of hearing to the petitioner and to pass a reasoned order within eight weeks from the date of communication of this order,.

8. It is further clarified that, since the matter is under reconsideration by the Respondent Authorities, no coercive action shall be initiated against the Petitioner pursuant to the impugned notice dated 19.08.2025 until a final decision is taken by the Corporation. Such decision, once communicated, shall remain in abeyance for a further period of two weeks so as to enable the Petitioner to avail of appropriate remedies in accordance with law.

9. With the above directions the present writ petition is disposed of.

**(Gaurang Kanth, J.)**