

06.11.2025

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Sl. No. 16

Ct. No. 03

WPA 24397 of 2025

Sri Nages Chandra Mohanta

Vs.

State of West Bengal & ors.

Mr. Arup Krishna Das

Mr. Rajarshi Ghosh

....for the petitioner

Mr. Sushanta Kr. Mukherjee

Mr. Arjun Samanta

..... for the State

1. It appears that the petitioner previously approached this Court whereupon a co-ordinate Bench of this Court on 7th March, 2024 was pleased to pass the following order:

“The petitioner and the private respondent are neighbours. Both allege illegal and unauthorized construction against each other. Complaint was lodged before the Asansol Municipal Corporation.

The Corporation conducted a spot enquiry but thereafter could not proceed to decide as to whether constructions are illegal or not as none of the parties produced the sanctioned plan.

Learned advocate representing the Corporation submits that the objection filed by the petitioner is extremely vague. The details of the land over which the construction has been made are not disclosed in the objection.

As it appears that the Corporation has already conducted a spot inspection, the same implies that the plot of land has been identified by the Corporation with the help of the parties. As the parties failed to produce the sanctioned plan, accordingly, the issue remained undecided.

The writ petitioner and the private respondent are directed to forward copy of their respective sanctioned plan to the Asansol Municipal Corporation latest by March 15, 2024. The Corporation shall thereafter circulate the spot inspection report and give an opportunity of hearing to both the parties.

A decision shall be taken as to whether there is any unauthorized

construction that has been made in deviation of the plan sanctioned or devoid the sanctioned plan.

If it appears that unauthorized construction has been made, necessary steps shall be taken to deal with the same in accordance with law.

The complaint filed by the petitioner shall be disposed of at the earliest but positively within a period of eight weeks from the date of receipt of the sanctioned plan.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities."

2. Pursuant to the aforesaid, the Asansol Municipal Corporation has passed an order dated 7th July, 2025. The petitioner would complain that after passing of such order, no further steps have been taken. I find from the above order that a specific direction had been issued on the private respondent to demolish the illegal and unauthorized construction within 15 days. It is not clear from the petition whether the portion which was directed to be demolished has been demolished by the private respondent or not.
3. Despite service, the municipality is not represented. However, in my view, no fruitful purpose would be served by keeping the writ petition pending.
4. In light of the order dated 7th July, 2025, I direct the municipal Commissioner to take appropriate steps in the matter in accordance with law for enforcement of

the order dated 7th July, 2025, in the event such order has not been complied with.

5. It is expected that necessary steps shall be taken in accordance with law as expeditiously as possibly preferably within a period of 16 weeks from the date of communication of this order.
6. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)