

04.08.2025
Sl. No.16
tkm

W.P.A. 25985 of 2024

(Hiralal Banerjee & Anr. vs. State of West Bengal & Ors.)

Mr. Shamit Sanyal
Ms. Priyakshi Banerjee
Mr.Sabyasachi Roy
....for the petitioners

Mr. Soumik Ganguly
Mr. Diptendu Banerjee
... ... for respondent no. 5

Mr. Gautam Lahiri
... ... for respondent nos. 2 & 3

1. The petitioners have preferred the present writ petition, being aggrieved by the inaction on the part of the respondent municipality in failing to take steps for the demolition of the alleged illegal and unauthorised construction carried out at premises no. 6/G, Lenin Sarani, Serampore, Ward No. 6, P.S. Mallick Para, District Hooghly, by respondent no. 5.
2. It is the case of the petitioners that they are the lawful owners of the ground floor and first floor of the aforesaid premises, whereas respondent no. 5 is the owner of the remaining portion of the said building. It is alleged that respondent no. 5 has undertaken unauthorised construction in a portion of the premises.
3. This matter, was listed before this Court on 4.7.2025, and it was pointed that the respondent municipality was unable to state what action they have taken in pursuance of the earlier inspection conducted on 27.09.2024. In view of the same, this court directed the respondent Municipality to file a report stating the steps taken by the respondent municipality to verify the

alleged unauthorised construction and the action initiated if any thereby.

4. Pursuant to the said order dated 4.7.2025 passed by this court, the municipality had conducted an inspection of the premises in question on 15.7.2025 in the presence of all the interested parties.

5. The parties were directed to appear for a hearing on 23.7.2025 at 4.30 p.m before the Board of Councilors of the municipality for hearing along with all requisite papers and documents.

6. After the said hearing, a reasoned order has passed by the municipality on 24.7.2025. It is recorded that during inspection the following illegality has been observed:

- a. A full iron staircase 33 sq.ft. approx, from the ground floor to the second floor has been erected by the respondent, which is completely beyond the sanctioned building plan and hence illegal
- b. A grill structure approximately 3 feet 6 inches in height has been constructed by the respondent upon the common staircase by blocking free use of the staircase on the roof without any sanction from this municipality, which is illegal and unauthorized
- c. Additionally, it was observed that assessment for the second floor has not yet been completed.

7. In view of the said illegalities, the municipality had passed the order whereby the respondent has been directed to remove the entire unauthorized construction, including the iron staircase and roof grill work, within seven days from the date of receipt of

the above order. Failure to comply with the said order within the stipulated period shall result in summary removal of the said unauthorized structures by the municipality without any further notice and all costs incurred shall be recovered from the respondents.

8. In view of the said demolition order dated 24.7.2025, nothing survives in the present writ petition.

9. The respondent corporation is directed to comply with the order dated 24.7.2025, strictly in accordance with law as expeditiously as possible.

10. Learned counsel for the private respondent states that misc. appeal 18 of 2025 has been filed but there is no stay order in his favour. Thus, the municipality is directed to carry out its order in accordance with law.

11. The present writ petition is disposed of in the above terms.

(Gaurang Kanth, J.)