

02.09.2025

D.L. 3

P.P./
Milan

Ct.No.41.

WPA 27536 of 2024

Swati Das

Vs.

The Serampore Municipality & Ors.

Mr. Souradipta Banerjee,
Ms. Fatima Hassan

...for the petitioner.

Mr. Gautam Lahiri

...for Serampore Municipality.

Two affidavits of service filed in Court today be kept with the record.

None appears on behalf of the private respondents nor is any accommodation sought for on their behalf.

The grievance of the petitioner is directed against the deliberate and intentional inaction on the part of the respondent-Municipality.

It is submitted on behalf of the petitioner that despite a reasoned order dated 6th June, 2023 by the office of the Municipal Councillors, Serampore Municipality inter alia directing that the illegal construction at premises No.25A, Satish Chandra Ghosh Lane, P.O. & P.S. – Serampore, District – Hooghly, no action whatsoever has been taken by the respondent authorities to demolish the above

construction. The petitioner makes strong allegations as far as the Municipality is concerned and submits that the inaction is intentional and ill-motivated.

On behalf of the respondent-Municipality, it is submitted that subsequent to passing of the order, the private respondent nos.6, 7 and 8 have filed a writ petition, being WPA 15054 of 2024, inter alia challenging the alleged unauthorized construction at premises No.20, Satish Chandra Ghosh Lane, which belongs to the writ petitioner.

It is submitted on behalf of the writ petitioner that they have received no copy of the writ petition.

In any event the filing of the writ petition is as a counter-blast and vexatious.

Prima facie, there is no justification by the respondent-Municipality in not taking action in terms of the order dated 6th June, 2023. The pendency of a connected writ petition without there being a stay of any kind whatsoever does not act as an embargo in the respondent-Municipality proceeding in accordance with law. It has been approximately more than two years since the passing of the demolition order.

In such view of the matter and in the light of the order dated 6th June, 2023, which has not been stayed nor set aside, WPA 27536 of 2024 stands disposed of

by directing the respondent authorities to act as expeditiously in accordance with law and take the demolition order dated 6th June, 2023 to its logical conclusion.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ravi Krishan Kapur, J.)