

07.07.2025
Sl. No.18
Ct.3/ tkm

W.P.A. 28041 of 2024

Subrata Sarkar
vs.
State of West Bengal & Ors.

Mr. Arka Tilak Bhadra
... .. for the petitioner

Mr. Subhendu Bandyopadhyay
Mr. Nikhil Kr. Gupta
... .. for the State

Mr. Soumyajit Bhatta
... .. for Panihati Municipality

1. Affidavit of service is taken on record.
2. Petitioner has filed the present writ petition being aggrieved by the inaction of the respondent authority in not taking any action against the alleged illegal and unauthorized construction being carried out at 19, BT Road, near Panihati Telephone Exchange, ward no.- 10 Panihati Municipality, PO- Panihati, PS- Khardah, Dist- North 24 Parganas at the instance of private respondents.
3. It is the case of the petitioner that the private respondents are carrying out illegal and unauthorized construction in the form of five storied building at the above mentioned site. He further submits that the alleged site is a ‘Doba’ land and the private respondents are carrying out the unauthorized construction without any

sanctioned plan and lacking mandatory side spaces, which violates the west Bengal Municipal Act 1993 and the West Bengal Municipal Building Rules 2007.

4. He further submits that despite a stop work notice dated 07.09.2024 issued by the Panihati municipality, the private respondents have carried out the unauthorized construction, causing risk to the structural stability of the building and potential harm to the petitioner's shop as well as nearby residents and passersby. Petitioner has repeatedly lodged complaint with the municipal authority but the same has not been acted on.
5. Learned counsel for the Panihati Municipality submits that the municipality has acted upon the complaint of the petitioner and has issued a stop work notice dated 07.09.2024 to the private respondents who are alleged to be carried out unauthorized construction.
6. Learned counsel for the respondent municipality submits that they are ready and willing to decide petitioner's representation dated 04.10.2024.
7. Learned counsel for the petitioner submits that he shall be satisfied if the same is decided within a time bound manner.

8. In view of the statement made by the learned counsel for the parties this court directs the respondent municipality to decide petitioner's representation dated 04.10.2024, strictly in accordance with law within a period of eight weeks from the date of communication of this order after affording an opportunity of personal hearing to the petitioner as well as private respondents by way of a speaking order.
9. With the above direction, the present writ petition is disposed of.
10. Since no affidavit is called for, allegations made in the writ petition are deemed to have been denied.

(Gaurang Kanth, J.)