

D/L 108
30.04.2025
Court No.02
PRADIP

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

WPA 890 of 2025

Shri Kamal Aich
Vs.

Siliguri Municipal Corporation & Ors.

Mr. Ajay Singhal
Ms. Heena Yasmin Shaikh
Mr. Abhishek Singh

... for the Petitioner.

Mr. Deborshi Dhar

...for the Corporation.

1. None appears on behalf of the private respondent despite service.
2. Affidavit of service filed in Court today is taken on record.
3. The petitioner alleges illegal and unauthorized construction at the behest of the private respondent.
4. In view of the order that I propose to pass, none of the parties will be prejudiced if the writ petition is disposed of in the following manner.
5. The petitioner complains that the objection raised against such illegal construction has not been considered by the respondent authorities till date.
6. As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping writ petition pending.
7. The writ petition is accordingly disposed of by directing the Commissioner, Siliguri Municipal Corporation being

the respondent no. 1 to consider and dispose of the representation made by the petitioner strictly in accordance with law after giving reasonable opportunity of hearing to all the necessary parties including the petitioner within a period of three months from the date of communication of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioner immediately thereafter.

8. A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction.
9. In the event, the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorised construction, in accordance with law.
10. The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorised construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.
11. It is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.
12. Learned advocate appearing for the petitioner is directed to forward a copy of the representations dated 18th December, 2024 and 8th February, 2025 to the

aforesaid respondent at the time of communicating the order of the Court.

13. The writ petition stands disposed of.

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

(Amrita Sinha, J.)