

Item no.23
19.08.2025
Court No.2
R. Bose

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 1687 of 2025

**Sumit Agarwal & Anr.
-versus
Jalpaiguri Municipality & Ors.**

Mr. Debarshi Dhar, Adv.

... for the Petitioner

Mr. Preetam Das, Adv.

Mr. Abhishek Sen, Adv.

... for the Respondent No.1

Mr. Ajay Kr. Singhanian, Adv.

... for the Respondent nos.4 & 5

1. The present writ petition has been filed inter alia alleging illegal construction by the respondent nos.4 and 5. A complaint in this regard has also been lodged with Jalpaiguri Municipality in June, 2025.

2. Mr. Singhanian, learned advocate appears on behalf of the respondent nos. 4 and 5. He would submit that the construction that had come up is in accordance with the building sanction plan. According to him, there has been no illegal construction. The construction comprises of G+1 storied building at R.S. Plot No.485, recorded in R.S. Khatian No. 2750, Sheet No.21, J. L. No.5/7, Mouza – Kharia, Pargana – Baikunthapur, P.S.– Kotwali, Jalpaiguri . Mr. Singhanian would also submit that the private respondents had acquired interest in the aforesaid property on the strength of chain title deeds of sale dated 26th July 2012 and 16th December 2015. Copies

of the aforesaid deeds of sale as has been placed by Mr. Singhanian in Court are taken on record. Mr. Das, learned advocate appears on behalf of the municipality.

3. Having heard the learned advocates appearing for the respective parties and since the private respondents contend that the construction that has come up in the property in question is as per the sanctioned building plan and noting that a complaint has already been lodged with the respondent no.2, I am of the view that it shall be prudent at this stage to direct the respondent no.2 to hear out and dispose of the representation made by the petitioners, in accordance with law and upon giving an opportunity of hearing to both the parties within a period of six weeks from the date of communication of this order. It is made clear that if the respondent no.2 is of the view that there has been illegal construction, appropriate steps shall be taken. While deciding the representation it shall be open to the respondent no.2 to depute appropriate personnel and carry out an inspection of the locale. Such inspection must be carried out upon notice to the parties.

4. It is also made clear that this Court has not gone into the merits of the case made out by the petitioners, and the respondent no.2 shall decide the

cause without being influenced by any of the observations made hereinabove.

5. Since affidavits were not invited, allegations contained in the writ petition are deemed not to have been admitted.

(Raja Basu Chowdhury, J.)