

Form No. J.(2)
Item No. 43
AB

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

Present:

The Hon'ble Justice Aniruddha Roy

W.P.A. 1775 of 2025

Brajagopal Saha
Vs.

Siliguri Municipal Corporation & Ors.

For the petitioner : Mr. Bikramaditya Ghosh, Advocate
Mr. Ved Rai, Advocate
Mr. Mayank Bhandari, Advocate
Mr. Vivek Saha, Advocate

For the State : Mr. Bijay Bikram Das, Advocate
Mr. Deborshi Dhar, Advocate

Heard on : September 3, 2025

Judgment on : September 3, 2025

Aniruddha Roy, J.

Affidavit of service filed in Court today, is taken on record.

The petitioner submits that, the petitioner has converted a portion of the subject premises as a commercial area. The petitioner submits that, he has submitted its representation dated **May 16, 2025, annexure P-10** at **page 45** to the writ petition for regularization of such construction of commercial area, which is otherwise permitted in law, but the said representation has not yet been considered.

In view of the above, the respondent no. 4 is directed upon a prior notice to the petitioner to cause the necessary inspection of the subject premises and the alleged commercial area constructed there at in strict

compliance of the statutory provisions and then to file a report with the relevant sketch map, if necessary, to the petitioner and the respondent no. 3.

This exercise shall be carried out and completed by the respondent no. 4 positively within a period of **four week** from the date of communication of this order.

Upon receiving the report from the respondent no. 4, the respondent no. 3 upon serving a prior hearing notice of at least **seven days** to the petitioner and after affording an opportunity of hearing to him shall consider the said representation dated **May 16, 2025, annexure P-10** at **page 45** to the writ petition by passing a reasoned order in accordance with law.

This exercise shall be carried out and completed by the respondent no. 3 positively within a period of **six weeks** from the date of receiving the report from the respondent no. 4. The reasoned order shall be communicated to the petitioner within a period of **one week** from the date of the said of the reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner and the petitioner shall be entitled to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the respondent no. 3 but the same shall not travel beyond the representation dated **May 16, 2025**, as referred above.

In the event, the reasoned decision goes in favour of the petitioner, the respondent no. 3 and/or any other appropriate authority of the Municipal Corporation shall take all necessary and consequential steps strictly in accordance with law and subject to compliance of all the legal formalities effect shall be given to the said reasoned order.

In the event, the petitioner does not succeed to his claim before the respondent no. 3, the respondent no. 3 shall be at liberty to take all necessary and consequential steps immediately in accordance with law against the construction/user caused by the petitioner but positively within a period of four weeks from the date of the said reasoned order to be passed.

It is also made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim before the respondent no. 3 strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition **W.P.A. 1775 of 2025** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)