

Court No. 2
(1545)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

27.10.2025
(JPD 9)

WPA 1812 of 2025

(S. Banerjee)

Sushil Kumar Periwai
Vs.
Siliguri Municipal Corporation & Ors.

Mr. Arnab Sengupta
Mr. Rahul Agarwal
Mr. Jai Agarwal

... for the petitioner

Mr. Bijoy Bikram Das
Mr. Deborshi Dhar
Ms. Taniya Bhowmik

... for the Siliguri Municipal Corporation

Mr. Milindo Paul
Mr. Nabankur Paul
Ms. Sutapa Sen Paul
Ms. Bedashruti Bose
Mr. Subham Das
Mr. Bodhisatya Ghosh

... for the private respondents

Affidavit of service filed in court today is taken
on record.

The private respondents and the Siliguri
Municipal Corporation are represented by their
respective learned advocates.

The petitioner alleges that the private
respondents have made an illegal construction on a
property being RS No. 245 , recorded in RS Khatian

No. 571, Mouza – Dabgram, Police Station – Bhaktinagar, Ward No. 41 of the Siliguri Municipal Corporation without obtaining any sanction plan from the Corporation. The petitioner claims to have lodged a complaint before the Commissioner, Siliguri Municipal Corporation by a letter dated April 3, 2025.

The grievance of the petitioner is that the authorities of the Siliguri Municipal Corporation have not taken any step pursuant to the complaint lodged by the petitioner.

Mr. Paul, learned advocate appearing for private respondents submits that no pucca construction has been raised on the aforesaid property and only a tin-shed structure is standing thereupon. He submits that such construction do not require any sanction plan.

Such submission of Mr. Paul is disputed by the learned advocate appearing for the petitioner. He submits that there exists a permanent construction and a play-school is being run thereat by the private respondents.

Learned advocate appearing for the Siliguri Municipal Corporation submits that due to some

communication gap, prompt steps pursuant to the complaint lodged by the petitioner could not be taken. He, however, assures this court that the authorities of the Siliguri Municipal Corporation shall consider the complaint lodged by the petitioner and take steps in accordance with law.

In the light of the submission made by the learned advocates for the respective parties, without entering into the dispute as to whether the construction existing on the property in question requires a sanction plan, the writ petition stands disposed of by directing the Commissioner, Siliguri Municipal Corporation, being the 2nd respondent, to consider the representation of the petitioner dated April, 3, 2025 which is annexed at page 70 of the writ petition, depute competent officials to cause an inspection of the impugned structure and to take steps in accordance with law. In the event the authorities of Siliguri Municipal Corporation is of the opinion that the impugned construction is an illegal and unauthorized one, steps shall be taken in accordance with law after affording opportunities of hearing to the respective parties. The entire exercise shall be completed within a period of four weeks

from the date of receipt of a service copy of this order.

(Hiranmay Bhattacharyya, J.)