

Court No. 2
(1545)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

28.10.2025
(JPD 46)

WPA 1981 of 2025

(S. Banerjee)

Sarvambh Property Developers
Private Limited
Vs.
Commissioner, Siliguri Municipal
Corporation & Ors.

Dr. Navin Barik
Ms. Esha Acharya

... for the petitioner

Mr. Subir Kr. Saha, Ld. AGP
Mr. Nabankur Paul

... for the State

Mr. Bijoy Bikram Das
Mr. Deborshi Dhar

... for the respondents 1 to 3

Affidavit of service filed in court today be kept
with the record.

In spite of service none appears for the Block
Land and Land Reforms Officer, Siliguri.

Mr. Saha, learned Additional Government
Pleader assisted by Mr. Nabankur Paul, learned
advocate, who usually appear for the State are
requested to appear in this matter.

Let their appointment be regularized by the competent authorities.

Petitioner is directed to serve a copy of this writ petition upon Mr. Paul, learned advocate for the State in course of this day.

The petitioner alleges that the Commissioner, Siliguri Municipal Corporation issued a notice dated May 29, 2025 directing the petitioner to attend the hearing before the authority on June 5, 2025.

The petitioner submits that the said notice was issued on the basis of an inspection report dated May 8, 2025. He submits that such inspection was carried out without serving any notice upon the petitioner.

Learned advocate for the Siliguri Municipal Corporation submits that the inspection was carried out after serving notice to the persons as indicated in the notice dated May 16, 2025. He further submits that the Municipal Corporation at the relevant point of time was not aware that the petitioner has purchased the property in question in the meantime.

The notice was issued by the Siliguri Municipal Corporation alleging that the petitioner

has encroached a portion of the SMC road including a public drain with approximate encroachment of 1.3 metres in width.

On a query of the Court, the learned advocate appearing for the Corporation, in his usual fairness, submits that no relayment was made for the purpose of ascertaining the encroached portion. That apart, the petitioner was not served with any notice prior to the Joint Inspection.

For such reason, this court is inclined to set aside the Joint Inspection Report dated May 8, 2025.

Learned advocate appearing for the Corporation however, submits that the Block Land and Land Reforms Officer, Siliguri, being the 4th respondent may be directed to make an inquiry and to report as to whether there has been an encroachment on the SMC road including a public drain.

In the light of the submissions made by the learned advocates for the respective parties, the joint inspection report dated May 8, 2025 is set aside. The Block Land and Land Reforms Officer, Siliguri, being the 4th respondent is directed to

depute competent officials for the purpose of making a survey, who shall draw a sketch map and prepare a report indicating as to whether any portion of the SMC road including a public drain has been encroached or not.

Needless to mention that such inspection shall be carried out after issuing prior notice to the petitioner, the private respondent and the Corporation.

The entire exercise shall be completed by the respondent no. 4 as early as possible but positively within a period of six weeks from the date of receipt of server copy of this order.

All further proceedings pursuant to the notice dated May 29, 2025 shall remain stayed till two weeks after communication of the report along with the sketch map to the respective parties.

With the aforesaid observation and direction, the writ petition stands disposed of.

(Hiranmay Bhattacharyya, J.)