

09.03.2026
Ct. 3
Item No.
A 20
Saswata

WPA 166 of 2025
Tapas Kumar Chakraborty
Versus
The State of West Bengal & Ors.

Mr. Koustav Bagchi
Ms. Priti Kar Bagchi

...For the petitioner

Mr. Arka Tilak Bhadra
Ms. S.Parvin

...For the Municipality

Mr. Soumyajit Bhattacharya

...For the respondent no. 5

1. Pursuant to the order dated 5th January 2026 the municipality has filed a report.
2. From the aforesaid report it would transpire that a spot inspection was held in presence of the parties
3. The aforesaid report records that since the complainant had identified his allegations during spot inspection which were with regard to statutory side open space having not been maintained at the time of construction as per the sanction plan, the aforesaid aspect has been considered by the municipality.
4. The report further reveals that on the northern side the person responsible had left 3000 mm and on the southern side had left 1175 mm of open space. On the Eastern side there is 1800 mm of open space. Although, from the aforesaid report it

would transpire that certain open spaces have been maintained such report does not identify the exact open spaces which are required to be maintained as per the sanctioned plan.

5. Accordingly, I direct the municipality to decide on the petitioner's complaint in accordance with law by passing a reasoned order by giving an opportunity of hearing to the parties.
6. If on the basis of such order any illegal construction is detected, appropriate steps shall be taken by the municipality.
7. If no illegal construction is found, the matter need not be proceeded further.
8. With the above direction and observation, the writ petition is disposed of.
9. All parties shall act on the basis of the server cop of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)