

06.01.2026
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Sl. No. ML 42
Ct. No. 03

WPA 216 of 2025

Shyamal Kumar Jana & anr.
Vs.
The Midnapore Municipality & ors.

Mr. Rabindranath Mahato
Mr. Aritra Shankar Ray

..... for the petitioners

Mr. Sujay Bandyopadhyay
Mr. Subhamoy Dutta

.... For the municipality

Mr. Amit Ranjan Pati
Ms. K. Kubra
Mr. A. Goswami

..... for the pvt. respondents

1. The Affidavit-of-service filed in Court today be taken on record.
2. The present writ petition has been filed, inter alia, complaining illegal construction at the behest of the respondent Nos. 6 and 7. Both the municipality and the private respondents are represented.
3. The learned advocate representing the private respondent has placed before this Court a sanctioned building plan issued by the municipality on 20th November, 1925. A copy of the aforesaid plan as placed before this Court be taken on record.
4. According to the learned advocate representing the respondent Nos. 6 and 7 since with passage of time the building got damaged and was dilapidated, an application was made seeking permission to repair the damaged building. Following the above, the repair work was conducted. In support of his

aforesaid contention, he has placed reliance on a notice dated 6th August, 2024.

5. Having heard the learned advocates appearing for the respective parties, I am of the view that in the garb of repair, the respondent Nos. 6 and 7 cannot be permitted to reconstruct the building in question. However, at the same time if the respondent Nos. 6 and 7 are interested to repair and/or reconstruct the building in question, they may do so in accordance with law by making an appropriate application and by highlighting the particulars of repair they wish to undertake. If an appropriate permission is sought for, the municipality will not unnecessarily withhold the same unless there is a subsisting order of injunction passed by any Civil Court and a decision in this regard shall be taken within four weeks of making such application. Till such time, the municipality will ensure that no further construction is carried out by the respondent Nos. 6 and 7.
6. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)