

13.01.2026
Ct. 3
Item No.
AD 2
Saswata

WPA 295 of 2025
Sikha Roy
Versus
The State of West Bengal & Ors.

Mr. Arup Krishna Das
Mr. Rajarshi Ghosh
Mr. Utsab Ghatak

...For the petitioner

Mr. Tapas Kumar Adhikari

...For the State

Mr. Swarup Banerjee
Mr. Sajal Kumar Ghosh
Mr. Arindam Chatterjee
Mr. Subham Biswas
Mr. Atik Masud Molla

...For the private respondent

Mr. Sounak Bhattacharya
Mr. Anirban Saha Ray

...For Asansol Municipal Corporation

1. The writ petition has been filed inter alia praying for a direction upon the Asansol municipal corporation, the respondent No. 4 to enquire and take steps regarding the illegal construction started by the respondent Nos. 5 and 6.
2. Mr. Bhattacharya, learned advocate appearing for the Asansol Municipal Corporation has drawn the attention of the Court to the representation appearing at pages 39 to 46 of the writ petition and would submit that the petitioner has failed to identify the property where the illegal construction has come up. According to him, the petitioner ought to have identified the particulars of the property, inter alia, including the particular ward number wherein the offending construction has been carried on. The same

having not been done, the municipal authorities could not take appropriate steps.

3. The learned advocate appearing for the private respondents, however, submits that there has been no illegal construction carried out by the private respondents. Noting the submissions made by the respective parties, I am of the view that since the petitioner has failed to identify the particulars of the property in the written representation, it shall only be appropriate for this Court to permit the petitioner to make an appropriate representation with the municipal authorities within two weeks from date.
4. If any such representation is made, the municipal authorities shall forthwith act on the basis thereof, and if all particulars are available, shall carry out an inspection of the property and shall decide the representation made by the petitioner by passing a reasoned order within two weeks from the receipt of the representation.
5. If the municipal authorities are of the view that there has been illegal construction, appropriate steps shall be taken by the municipal authorities in accordance with Section 266 of the West Bengal Municipal Corporation Act, 2006. Alternatively, if no illegal construction is noted, the municipal authorities shall not proceed further. It is made clear that if the municipal

authorities are of the view that the representation made by the petitioner does not disclose appropriate particulars of the property including the ward no, necessary communication shall be made to the petitioner within the above period.

6. Needless to note if illegal construction is detected the follow up steps shall be taken forthwith and the same shall be brought to a logical conclusion within eight weeks thereafter.
7. Since, no affidavits have been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.
8. With the above observations and directions the writ petition is disposed of.
9. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)