

**30.03.2026**  
**DL-76**  
**Ct. No. 03**  
**Srimanta**

**In the High Court at Calcutta**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**WPA 1318 of 2025**

**Puspendu De Sarkar**  
**-Vs.-**  
**State of West Bengal & Ors.**

Mr. Vinayak Chaubey,  
Mr. A. P. Singh  
...for the petitioner.

Mr. Sandipan Banerjee,  
Mr. Ankit Sureka  
...for the Howrah Municipal Corporation.

Mr. Gourav Banerjee,  
...for the State.

Mr. Debdut Banerjee  
...for the private respondent no. 10.

1. Complaining inaction on the part of the Municipal Authorities in failing to resist illegal construction at Holding No. 76, Upendra Nath Mitra Lane, P.S. Golabari, P.O. – Salkia, Howrah - 711106, the instant writ petition has been filed.

2. It is the case of the petitioner that he is the absolute owner of premises No. 77, Upendra Nath Mitra Lane, P.S. Golabari, P.O. Salkia, District – Howrah, where he resides with his family. Respondent No. 10 obtained a sanctioned building plan for the construction of a G+4 structure.

However, in contravention of the sanctioned plan, respondent no. 10 has constructed a G+7 storied building. Learned Counsel for the petitioner further submits that the private respondent has encroached upon the petitioner's land. It is also stated that due to the unauthorized construction carried out by respondent no. 10, both the petitioner's property and the municipal drainage system have sustained damage.

3. Pursuant to the aforesaid order a report has been filed by the Municipality in Court on 28<sup>th</sup> October, 2025 which was taken on record. Though the learned Advocate for the petitioner had sought for time to file an exception to such report, today when the matter is called on the learned Advocate for the petitioner would submit that he does not wish to file any exception as according to him the report identifies illegal construction.

4. Mr. Banerjee, learned Advocate appearing for the Municipality submits that the petitioner's complaint as regards the drainage has already been taken care of. Insofar as the allegations of illegal construction is concerned, the Municipality already decided to initiate proceeding under Section 177 of the Howrah Municipal Corporation Act, 1980.

However, since the matter is pending before this Court the proceedings have not been initiated.

5. The respondent no. 10 is represented in Court. He however, prays for an accommodation.

6. Having heard the learned Advocates appearing for the respective parties and considering the fact that the respondent no. 10 was duly represented at the joint inspection carried out by the Municipal Authorities, which was held on 28<sup>th</sup> August, 2025, I am of the view that there is no scope at this stage to adjourn the matter. Further contention of the respondent no.10 that he was not favoured with the writ petition at this belated stage cannot be accepted in absence of any previous contemporaneous letter seeking for copy of writ petition. As such taking note of the fact that the Municipal Authorities have already arrived at a finding to initiate a proceeding under Section 177 of the Howrah Municipal Corporation Act, 1980(hereinafter referred to the said Act), I am of the view that it shall be prudent at this stage to permit the Municipal Authorities to initiate proceedings under Section 177 of the said Act and to bring the same to a logical conclusion as expeditiously as possible preferably within a period of 12 weeks from the date of communication of this

order. Pending further consideration by the Municipal Authorities no further construction shall be permitted and the construction already carried out by the respondent no. 7 shall abide by the result of the decision to be taken by the Municipality. The above order may be posted on the outer wall of the building in question.

7. With the above observations and directions, the instant writ petition is disposed of.

8. There shall, however, be no order as to costs.

**(Raja Basu Chowdhury, J.)**