

13.01.2026
ML- 101
AMR
Ct.No.03

WPA 1437 of 2025

Aloke Das & Ors.

-vs.-

The State of West Bengal & Ors.

Mr. Sukanta Das

...for the Petitioner

Mr. Snehasis Jana

...for the Private Respondent nos. 6 & 7

Mr. Ratul Biswas

Mr. Himadri Kumar Mahata

...for the State

1. Affidavit of service filed by the petitioner is taken on record.
2. Complaining illegal construction over plot No. 264, Mouza- Nischindipur, Police Station- Ghatal, District- Paschim Medinipur and the failure on the part of the Municipal Authorities to act on the basis of the petitioners' complaint, the instant writ petition has been filed.
3. From the writ petition, it would appear that the private respondents have encroached upon the petitioners' portion/land at the first, second and third floors level. The private respondent no. 7 has placed before this Court a sanctioned building plan. According

to the learned advocate for the private respondent No. 7 the construction has been carried out in accordance with such sanctioned building plan.

4. Having heard the learned advocates for the respective parties and noting that the complaint of illegal construction has been made, alleging that the private respondents have encroached upon the petitioners' portions/land at the first, second and third floors level, I am of the view that the Municipal Authorities ought to take steps on the basis of the complaint so lodged by the petitioners.

5. Accordingly, the writ petition stands **disposed of** by directing the Municipal Authorities to take appropriate steps on the basis of the aforesaid complaint by carrying out an inspection upon notice to the parties. For the time being, the petitioners may not be invited for the inspection. However, the inspection report thereof, shall be supplied to the parties.

6. On the basis of the aforesaid inspection and materials available with the authority, the decision must be taken and communicated to the parties within a period of four weeks from the date of communication of this order.

7. In the event, the Municipal Authorities are of the view that any illegal construction has taken place or

there are any statutory deviation especially, *inter alia*, but not limited to deviations at the first, second and third floors level, proceeding under the provisions of Section 218 of the West Bengal Municipal Act, 1993 shall be initiated and the same shall be brought to a logical conclusion in accordance with law.

8. The entire exercise in this regard must be completed by the Municipal Authorities within a period of 16 weeks from the date of communication of this order.

9. It is made clear that in the event the Municipal Authorities find that there are no deviation and there is no illegal construction at the locale, the matter need not be proceeded further.

10. Since no affidavit in opposition is called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

11. All parties are act on the basis of a copy of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J.)