

107. 20.01.2026.
Court No.03.
(M/L)
(Pritam)

WPA 1521 of 2025.

Sudarsan Bera & Ors.

-Vs.-

State of West Bengal & Ors.

Mr. Panchanan Hajra,
Ms. Mallika Manna.

.....for the petitioners.

Mr. Md. Mokaram Hossain,
Ms. Parijat Som.

.....for the State.

Mr. Souhardya Mitra.

.....for the Arambagh Municipality.

1. Two separate affidavits-of-service filed in Court today are kept on record. Despite service, respondent nos.9 & 10 are not represented.
2. The instant writ petition has been filed, *inter alia*, complaining illegal construction at the behest of the private respondent nos.9 & 10 in LR Plot No.621 of Mouza Paschim Shibpur under Arambagh Police Station, Hooghly.
3. The petitioners claim to be the owner of the adjacent plot. According to the petitioners, the private respondents had initially constructed on the aforesaid plot being plot no.621 in accordance with the statutory provisions.

4. Later, while constructing the 1st floor, the private respondents extended their construction beyond the existing constructed area. Additionally, a boundary wall has also been constructed which, according to the petitioners, is also contrary to the statutory provisions.
5. The municipality is represented in Court today. Mr. Mitra, learned advocate for the municipality would submit that he has yet to receive any instruction in the matter.
6. Taking into consideration the case made out by the petitioners and noting that the petitioners have made a representation before the municipality, I am of the view that it shall be prudent at this stage to direct the municipality to carry out an inspection at the locale upon notice to the parties. For the time being, the petitioners may not be invited for the inspection, though the inspection report thereto may be supplied to the parties.
7. The municipality must thereafter upon giving an opportunity to the parties to respond to the report and after affording an opportunity of hearing shall decide on the representation of the petitioners in accordance with law within a period of 4 weeks from the date of communication of this order.
8. It is made clear that if the municipality comes to a finding that there has been an illegal construction, appropriate steps shall be taken in accordance with law under the provisions of Section 218 of the West Bengal

Municipal Act, 1993 and Rules framed thereunder. On the contrary, if the municipality is of the view that no illegal construction has taken place, the matter may not proceed further.

9. The entire exercise must be completed within a period of 12 weeks from the date of communication of this order.
10. Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.
11. With the above observations and directions, the writ petition stands disposed of.
12. All parties shall act on the server copies of this order duly downloaded from the official website of this Hon'ble Court.

(Raja Basu Chowdhury, J.)