

11.05.2026
sayandeep
Sl. No. 06
Ct. No. 03

WPA 1660 of 2025
With
CAN 1 of 2025

Subhasish Singha & ors.
Vs.

Bardhaman Municipality & ors.

Mr. Debanjan Chatterjee

Mr. Debapriya Mazumder

.... for the petitioners

Mr. Subhasish Bandyopadhyay

.... for the Municipality

Mr. Uday Sankar Chattopadhyay

..... for the pvt. Respondents

Mr. Dibyendu Chatterjee

Mr. Mainak Singha Barman

Mr. Sunanda Chatterjee

..... for the addition of party (CAN 1 of 2025)

1. Today, the municipality has filed a report. The report filed by the municipality would demonstrate that municipality is unable to find out the old demolition case file for which fresh proceedings in respect of the illegal construction has been initiated. I, however, notice that in the instant case, though the municipality had passed an order of demolition dated 25th November, 2011, however, subsequently on 30th November, 2011, the municipality noticing further illegal construction had directed the matter to be placed for consideration in the next meeting. The petitioners alleged that independent of the aforesaid, further illegal construction has been carried out at the behest of the respondent Nos. 6 and 7 and the municipality is yet to take any action. The photographs annexed to the writ petition

appearing at page 78 to 83 would show that further construction is coming up. The report filed by the municipality is absolutely silent in this regard. The aforesaid conduct of the municipality does not inspire confidence of the Court. However, since the municipality has not carried out any inspection, I am of the view that the municipality must forthwith carry out an inspection at the locale within 7 days from the date of communication of this order upon prior notice to the parties. During the inspection, if the municipality notices any illegal construction, the municipality while deciding on the petitioners' representation dated 30th December, 2024 shall note the same by passing an reasoned order. If on the basis thereof, illegal construction is noted, the municipality shall initiate proceedings under Section 218 of the West Bengal Municipal Act, 1993 and bring the same to a logical conclusion on an expeditious basis within a period of 8 weeks from the date of initiating such proceedings. The entire process must be completed within a period of 12 weeks from the date of communication of this order.

2. Though, an application has been filed for addition of party, I find that the applicant claims to be sebaite and is similarly placed with that of the petitioners. the applicant only seeks to support the petitioners. As such, I am of the view no order need be passed in the present application though the applicant may

also be heard by the municipal authorities while disposing of the petitioners' representation.

3. It is made clear that this Court has not entered into the merits of the cause and it shall be open to the municipality to decide upon the representation without being influenced by any of the observations made herein.
4. With the above observations and directions, the writ petition is disposed of.
5. In view of the disposal of the present writ petition, the application being CAN 1 of 2025 is also disposed of.

(Raja Basu Chowdhury, J.)