

09.03.2026

sayandeep
Sl. No. ML 26
Ct. No. 03

WPA 2073 of 2025

Alpana Mondal
Vs.
State of West Bengal & ors.

Mr. Kaustav Chatterjee

Mr. Mritunjoy Saha

.....for the petitioner

Mir Anuruzzaman

..... for the municipality

Mr. Prashant Kumar Tripathi

..... for the State

1. Pursuant to the order dated 10th February, 2026, the municipality has filed a photocopy of the report. Learned advocate for the municipality would submit that the original report has not been forwarded to him though he confirms that the copy of the report submitted in Court to be the photocopy of the original. Accordingly, on such basis of the matter is taken up for consideration.
2. The report filed by the State is taken on record.
3. From the perusal of the aforesaid report filed by the municipality, it would transpire that the construction at LR plot No. 987 and LR Khatian No. 77, JL No. 62, mouza-Rania, P.S. Narendrapur (previously Sonarpur), ward No. 35 which comprise of two storied building is illegal. At this stage, the learned advocate for the petitioner, however, points out that the LR Khatian noted in the above report belongs to the petitioner and not the private respondent which incidentally is LR Khatian No. 6589. Though the above seeks to raise doubts as regards report, however, taking into

consideration the fact that repeated stop work notices have been issued which have been addressed to the private respondent namely, Bhaghyadhar Adhikary, I am of the view, no fruitful purpose would be served in retaining the matter on the file. Accordingly, the writ petition stands disposed of with a direction upon the municipality to initiate proceedings under Section 218 of the West Bengal Municipal Act, 1993 and to decide the same in accordance with law upon giving an opportunity of hearing to the person responsible. If the municipality is unable to trace out the person responsible or the person responsible does not respond to the municipality's notices, the municipality may proceed ex-parte in such case. The above direction is being issued since the private respondent despite notices, stayed away and has not caused appearance before this Court.

4. Since no affidavit has been called for, the allegations made in the writ petition, are deemed not have been admitted by the respondents.
5. It is expected that the municipality shall conclude the proceedings as expeditiously as possible but not later than 12 weeks from date of communication of this order.
6. The writ petition is accordingly disposed of.

(Raja Basu Chowdhury, J.)