

04. 21.01.2026.
Court No.03.

(Pritam)

WPA 3376 of 2024.

Namita Roy & Ors.

-Vs.-

The Administrator, Bally Municipality & Ors.

Mr. Arijit Chatterjee,
Ms. Pronita Paramanya Naskar.
.....for the petitioners.

Mr. Wasim Ahmed.
.....for the State.

Mr. Shankar Ranjan Sen.
.....for the respondent nos.4 to 6.

Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh,
Ms. Debolina Ghosh.
....for the Bally Municipality.

1. Complaining illegal construction at municipal holding No.16/31, Rajen Sett Lane, Belur, Howrah-711202, the instant writ petitioner has been filed.
2. According to the petitioner, though the complaint was lodged on 16th November, 2023 with the municipal authorities, no steps having been taken, the instant writ petition has been filed. On 8th December, 2025, this Court had directed the Sub-Assistant Engineer to carry out an inspection at the locale and file a report along with the photographs on the returnable date.
3. Pursuant to the aforesaid, a report has been filed in Court today, which is counter-signed by the Sub-

Assistant Engineer, Bally Municipality dated 19th December, 2025.

4. From the aforesaid report, it would transpire that a construction carried out at the locale is a G+3 storied building, which is now completely and fully occupied by its residents. The said building was constructed on the basis of a sanctioned building plan No.094 dated 6th May, 2022. At the time inspection, it was found that there were deviations not only at the 1st floor but also at the 2nd floors and 3rd floors, and the total deviated areas is approximately 137.039 sq.mtr. Let a copy of the aforesaid report be circulated by the municipality to the parties.
5. It is strange to note that how a building, which has not been constructed in accordance with the sanctioned building plan, could be permitted to be occupied by the municipality.
6. Mr. Chatterjee, learned advocate for the petitioners would, however, submit that he is not aware whether the occupancy certificate has at all been issued.
7. Be that as it may, without going into such issues at this stage, I am of the view that having regard to the disclosure made in the report, it shall be only appropriate to direct the municipality to initiate proceeding under Section 218 of the West Bengal Municipal Act, 1993 with a further direction that such proceedings must be brought to a logical conclusion as

expeditiously as possible preferably within a period of 12 weeks from the date of communication of this order upon giving an opportunity of hearing to all concerned.

8. Having regard to the fact that the petitioner is the next door neighbor of the private respondent and since it is alleged that the petitioner had also deviated from the sanctioned building plan, the municipality must make a detailed enquiry as to whether this construction made by the petitioners at the adjacent premises is in accordance with the sanctioned building plan or not.
9. It is made clear that this Court has not entered into the merits of the case and it shall be open for the municipality to decide the same without being influenced by any of the observations made herein.
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. With the above observations and directions, the writ petition stand disposed of.
12. There shall be no order as to costs.

(Raja Basu Chowdhury, J.)