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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3737 of 2026

Gouranga Sikder
Versus
The State of West Bengal & Ors.

Mr. Debabrata Roy
Mr. Manojit Paul
Ms. Sarbani Mukhopadhyay
... For the petitioner.

Mr. Amales Ray, Sr. adv.
Mr. Mousumi Bhowal
Mr. aman Gupta
For the municipality.

Mr. Sukanta Ghosh
Mr. Arghya Chatterjee
.... For the State.

Mr. Asit Baran Raut
Mr. Tuhin Subhra Raut
Ms. Ishita Raut
.... For the respondent no.8.

1. Alleging illegal construction at holding No. 17, Khudiram Sarani, ward No. 5, Mouza- Garui, JL No. 16, RS Khatian No. 416, RS Dag No. 1280, LR Khatian No. 2181, LR Dag No. 2229, P.S-South Dum Dum Municipality, District 24 parganas (N) under South Dum Dum Municipality, the instant writ petition has been filed. Initially, when the matter was taken up for consideration noting from the learned advocate for the municipality that a revised sanctioned building plan has been issued though no responsible person from the municipality had taken responsibility for such statement, this Court had directed

the private respondent to stay his hands for the time being. Since then, the municipality has filed a report and enclosed therewith not only the revised sanctioned building plan but also an inspection report. From the disclosure made by the municipality, it transpires that initially municipality had issued a provisional plan and subsequently the revised plan has been issued. Without going into the aforesaid aspect as to the circumstances under which the provisional plan can be issued, this Court is of the view, having regard to the disclosure made in the inspection report and noting that illegal construction has taken place, the municipality should immediately take steps in terms of Section 218 of the West Bengal Municipal Act, 1993.

2. At this stage, however, since the learned advocate for the private respondent No. 8 volunteers and submits that private respondent is ready and willing to demolish the unauthorized portion as reflected in the inspection report dated 1st June, 2026 forming part of the report of the municipality, I am of the view that the writ petition can be disposed of by directing the municipality to carry out an inspection of the premises in question after 4 weeks.
3. It is made clear that no construction shall take place in the meantime though the private respondent shall be at liberty to demolish the unauthorizedly constructed portion. On the expiry of the aforesaid period, the municipality by carrying out an inspection, shall ascertain whether the construction that is being carried out complies with the revised sanction building plan by passing a reasoned order and communicate

the same to the parties. If on the basis of the reasoned order, the municipality detects that illegal construction still exists, step shall be taken in accordance with law in terms of the provisions contained in Section 218 of the West Bengal Municipal Act, 1993 and the same shall be brought to a logical conclusion on an expeditious basis preferably within 8 weeks therefrom. It is made clear that if no illegal construction is detected at that stage, no further steps would be necessary.

4. With the above observations and directions, the writ petition is accordingly disposed of.

(Raja Basu Chowdhury, J.)