

24.03.2026
Ct. 3
Item No.
AD 40
sayandeep

WPA 4128 of 2026

**Biplab Biswas
Versus
Kharagpur Municipality & Ors.**

Mr. Sanjoy Mukherjee
Mr. Priyadip Paul

..... for the petitioner

Mr. Mrinal Kanti Ghosh
Mr. Chandra Nath Sarkar

..... for the municipality

1. The present writ petition has been filed, inter alia, complaining in action on the part of the municipal authorities in not removing the obstruction of the pathway in the front portion of the petitioner's passage which seeks to interfere with the egress and ingress of the petitioner to its residence being house No. 758/518 Hijli cooperative society, Prembazar, P.O. Hijli. The petitioner would also state that the private respondent have been carrying out illegal construction and despite the stop work notice dated 23rd February, 2022, the private respondents have not bothered to comply with the same. Records would reveal that the petitioner had previously filed a writ petition which was registered as WPA No. 3920 of 2019 alleging illegal construction at the behest of the private respondents. The said writ petition was disposed of by an order dated 29th

March, 2019 passed by a coordinate Bench of this Court permitting the petitioner to submit a representation ventilating his grievance to the respondent No. 2 along with relevant documents. It was made clear that upon receipt of the representation, the concerned respondent shall consider the same upon granting opportunity of hearing and to take a decision thereon in accordance with law. Follow up steps were also directed to be taken.

2. Pursuant to the aforesaid, the petitioner having made a representation. Although the municipality had conducted hearing, however, since, the final outcome thereof was not communicated to the petitioner, the petitioner was constrained to file a writ petition which was registered as WPA 5184 of 2022. By an order dated 26th April, 2023, a coordinate Bench of this Court had disposed of the writ petition by directing the concerned respondents to take steps in accordance with the orders passed by this Court on 29th March, 2019. It was further directed that the reasoned order shall be passed and communicated to the petitioner and the other parties at the earliest. In furtherance thereto, the order dated 29th August, 2023 was passed.

3. The petitioner is also aggrieved by the failure on the part of the municipality to take follow up steps as directed by order dated 29th March, 2019 in WPA 3920 (w) of 2019. Mr. Mukherjee, learned advocate representing the petitioner would submit that till date the municipality has not taken steps in this regard.
4. The municipality is represented. The learned advocate for the municipality would submit that the current status of the illegal construction is required to be looked into. The aforesaid stand taken by the municipality does not inspire the confidence of the Court. The Court finds that initially the municipality did not take any steps in this matter, despite the order dated 29th March, 2019 directing the municipality to take steps. The petitioner was compelled to approach this Court once again in WPA 5184 of 2022 whereupon this Court by an order dated 26th April, 2023 had directed the municipality to take steps strictly in accordance with the aforesaid order and to dispose of the same by passing a reasoned order. Only upon passing of the aforesaid order that the municipality chose to take steps thereon and the order dated 29th August, 2022 has been passed. Unfortunately, despite the aforesaid order, the municipality has failed to take any follow up steps. Accordingly, I direct the

municipality to forthwith enforce and implement the above order in accordance with law, preferably within a period of 4 weeks from the date of communication of this order.

5. Insofar as the petitioner's claim for blocking the pathway is concerned, having regard to the disclosure made by the municipality in Court today in the form of an enquiry report prepared by the Revenue Inspector dated 3rd August, 2023 which, however, appears to be in conflict with the previous report issued by the revenue officer on 26th October, 2018, I am of the view that there is no scope for this Court to entertain such disputed question thus, leaving it open to the petitioner to agitate the same before the appropriate forum in accordance with law, if so advised. It is made clear that since the petitioner had been litigating before this Court, the petitioner shall be entitled to the benefit of the period spent before this Court.
6. With the aforesaid observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)