

24.03.2026
Ct. 3
Item No.
AD 41
sayandeep

WPA 4139 of 2026

**Smt. Shukla Bose
Versus
The State of West Bengal & Ors.**

Mr. Chandrachur Chatterjee
Ms. Rubab Fatma

..... for the petitioner

Mr. Sirsanya Bandyopadhyay
Mr. tirthankar Dey
Mr. Arka Kumar Nag

.... For the BMC

Ms. Jayee Maity
Ms. Bhaskar Chakraborty

..... for the State

Mr. Anindya Lahiri, sr. adv.
Ms. Pranati Das

..... for the respondent Nos. 6-7

1. The present writ petition has been filed, inter alia, alleging illegal construction at the behest of the private respondents at the premises No.BD-34, Sector-I, Salt Lake City, P.S. Bidhannagar North, Kolkata. The petitioner claims to have licenced out the ground floor of the aforesaid premises in favour of the private respondent No. 6. According to the petitioner, the private respondent No. 6 is occupying ground floor under a licenced agreement dated 2nd June, 2012 and the validity whereof was for a period of 5 years commencing from 07.02.2012. Though, the tenure of the aforesaid agreement has expired, the private respondent No. 6 continues to retain possession on the strength of an order dated 9th

October, 2020 passed by the learned Civil Judge (Senior Division) at Barasat in T.S. No. 977 of 2019. The learned advocate for the petitioner would contend that the private respondents have denied the petitioner the access to the water reservoir on the ground floor which caters to the entire building. According to the petitioner, the pump room is also located on the ground floor and is under the exclusive occupation of the private respondents. According to the petitioner, the petitioner is unable to utilize the underground reservoir and is unable to lift the water to the overhead tank.

2. This apart, the petitioner has also made allegations of illegal construction at the behest of the private respondents.
3. The private respondents are represented. The private respondents would submit that there is subsisting civil suit pending between the parties. The learned advocate for the private respondents would submit that it is the private respondents who have in fact, been denied the access of water by the petitioner.
4. The municipality and the State are also represented.
5. Having heard the learned advocate appearing for the respective parties and noting that the petitioner would complain that the petitioner has been denied access of water reservoir though she is residing on

the first floor of the building, I am of the view that the municipality should carry out an inspection of the premises in question and if it is detected that the private respondents have denied access to the petitioner, the water reservoir or the petitioner has been denied access of the water, appropriate remedial measures shall be taken by the municipality so that the aforesaid ground floor water reservoir in the building can cater to the entire building including the overload tank, and the first floor through the overhead tank. Insofar as the allegation of illegal construction is concerned, the municipality shall enquire into the matter and take such steps as may be necessary. The aforesaid steps shall be taken by the municipality within a period of four weeks from the date of communication of this order.

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

(Raja Basu Chowdhury, J.)