

25.02.2026.
Court No. 13
Item No. 13.
sp

M.A.T. No. 255 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025
Ranjit Mondal & Anr.
Versus
Madhusudan Mondal & Ors.

Dr. Sutanu Kr. Patra,
Mr. Saptarshi Dutt.

..for the appellants.

Mr. Partha Pratim Roy,
Mr. Debrup Chowdhury,
Mr. Subhajit Mukherjee,
Mr. Swakshar Kumar Mondal.

..for the respondent no. 1.

1. The appeal is directed against order dated 1st September, 2023 passed by a Single Bench of this Court in two writ petitions being WPA 754 of 2023 (Madhusudan Mondal Vs. The Asansol Municipal Corporation & Ors.) and WPA 11062 of 2023 (Jharna Mondal Vs. The State of West Bengal & Ors.).
2. The dispute is between brothers and co-owners of Plot No. 803 that was partitioned and re-numbered by the Asansol Municipal Corporation into three separate premises being No. 803, 803A and 803B.
3. By reference to order dated 30th October, 2022 passed by the Asansol Municipal Corporation, the premises described in map annexed to the said note. Premises No. "A" mark portion of the building is occupied by Ranjit Mondal and "B" mark portion is occupied by Madhusudan Mondal. Asansol Municipal

Corporation found that Madhusudan Mondal erected three large pillars over his portion of the property facing a public road out of which one pillar is built touching a common boundary wall. Three rooms were constructed and there is a kitchen. The three rooms, kitchen and pillars have been constructed without the sanction of the Asansol Municipal Corporation.

4. Several proceedings have ensued between the brothers being the appellant Ranjit Mondal and the respondent Madhusudan Mondal and the Ranjit Mondal's wife Jharna Mondal. The three are at loggerhead with one another. Since Asansol Municipal Corporation has already found that there is unauthorized construction by Madhusudan Mondal more fully described in an order dated 12th December, 2022 passed by the Municipal Commissioner, it is argued that the Single Bench committed error by directing the Asansol Municipal Corporation to inspect the premises afresh and look into the unauthorized construction on the three premises as a whole.

5. There is some substance in the arguments advanced by the learned counsel for the appellants. The AMC having found that Madhusudan Mondal had effected unauthorized construction, more fully described in the decision of the Municipal Commissioner thereof dated 12th December, 2022, there is no need for any further inspection. Admitted position is that Madhusudan Mondal has effected

unauthorized construction. The Asansol Municipal Corporation is, therefore, directed to demolish all the unauthorized constructions made by Madhusudan Mondal without a proper sanction plan from the AMC.

6. Since there is allegation by Madhusudan Mondal also that Jharna Mondal and Ranjit Mondal have also made unauthorized construction within their premises, the AMC shall be at liberty to inspect the premises of the portions occupied by Jharna Mondal and Ranjit Mondal separately. If any unauthorized construction is found by AMC in the premises as occupied by Jharna Mondal and Ranjit Mondal, the AMC shall take necessary steps under the West Bengal Municipal Act in respect thereof as well.

7. It is expected that the aforesaid demolition of unauthorized construction is carried out by the AMC within a period of 2 months from the date of communication of a copy of this order.

8. The cost of demolition shall be recovered from Madhusudan Mondal. Correspondingly, if any unauthorized construction is found in the portion standing in the name of Ranjit Mondal and Jharna Mondal, they do not demolish the same after notice from the AMC, the municipal authorities shall be entitled to demolish such unauthorized construction in terms of the West Bengal Municipal Act.

9. With the aforesaid directions, the impugned order shall stand modified.

10. M.A.T. 255 of 2025 shall stand disposed of.
11. Consequently, CAN 1 of 2025 shall also stand disposed of.
12. There shall be no order as to costs.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)

(*Md. Shabbar Rashidi, J.*)