

35. 25.03.2026.
Court No.03.
(Pritam)

WPA 4737 of 2026.

Debraj De.

-Vs.-

The State of West Bengal & Ors.

Mr. Sujoy Bandyopadhyay,
Mr. Rathin Singh,
Mr. J. Chanda,
Mr. Subhamoy Dutta.

.....for the petitioner.

Mr. Sauradeep Dutta,
Mr. Riju Bhowmick,
Ms. Mina Biswas,
Mr. Himadree Ghosh.

.....for the municipality.

Mr. Manas Kr. Kundu,
Mr. Sasthi Charan Dhara.

....for the State respondents.

1. Affidavit-of-service filed in Court today is taken on record.
2. The instant writ petition has been filed complaining inaction on the part of the municipal authorities to take steps on the basis of the complaint lodged by the petitioner as regards the unauthorized and illegal construction being carried out at the instance of the respondent no.10.
3. Mr. Bandyopadhyay, learned advocate representing the petitioner by drawing attention of this Court to the complaint appearing at page 37 of the instant writ

petitioner would submit that notwithstanding the subsequent complaint being made by the petitioner as regards the illegal and unauthorized construction being carried out by the respondent no.10 at Mouza Kalipur, RS Dag No.174 and corresponding to LR Dag No.203, R.S. Khatian No.206, Previous LR Khatian No.549, present LR Khatian No.2243, J.L. No.99, Ward No.18 under Dankuni Municipality, Police Station-Dankuni, the municipality has failed to take steps. This has prompted the petitioner to approach this Court. He would also submit that the private respondent has not only constructed the building unauthorizedly but has also constructed a septic tank adjacent to his building. The petitioner is also aggrieved with the interference of easementary his right, insofar as light and air is concerned.

4. Both the municipality and the State are represented.
5. Having heard the learned advocates representing the parties and noting that a complaint has been made with the municipality, I am of the view that the municipality should take appropriate steps in the matter and dispose of the petitioner's application by carrying out an inspection at the locale, and by passing a reasoned order.
6. If on the basis of the decision to be taken by the municipality, it transpires that the private respondent has encroached on the petitioner's property and has

carried out construction without sanctioned building plan, appropriate steps shall be taken in accordance with law.

7. The decision in this regard must be taken by the municipality within a period of 4 weeks from the date of communication of this order. It is however, made clear that the municipality shall not enter into any private dispute.
8. With the aforesaid observations and directions, the instant writ petition is disposed of.
9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Raja Basu Chowdhury, J.)