

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4774 of 2026

Banka Shah & Anr.
Versus
The State of West Bengal & Ors.

Mr. Alope Chatterjee
Mr. Arghya Mullick
... For the petitioners.

Mr. Jahar Datta
Mr. Bipin Ghosh
... For the State

1. Affidavit of service filed in Court is taken on record.
2. Despite service, the municipal authorities and the private respondents are not represented.
3. The petitioners claim to be co-owners and co-sharers in respect of a building with structure situate at Mouza Kakshindari, J. L. No. 25, R.S. Dag No. 953, R.S. Khatian No. 177, being premises no. 39 Sadhana Aushadhalaya Road, P.O. Sreebhumi, P.S. Lake Town, District – North 24 Parganas, Ward No. 33 under South Dum Dum Municipality.
4. The petitioners claim to have entered into a development agreement with M/s. Sree Ganapati Construction by executing a memorandum of understanding. Subsequently, in the year 2019 the petitioners along with their mother and another brother instituted a civil suit against the other co-sharers of the

property for declaration and permanent injunction in respect of the aforesaid property, and the matter is pending adjudication before the Court of the learned Civil Judge (Junior Division) at Bidhannagar in Title Suit No. 102 of 2019. According to the petitioners, an order of status quo in respect of the nature, character and possession of the property is in force till date. The petitioners would submit that notwithstanding the above, during the substance of the above order of injunction, the private respondents have constructed G+6 multi-storied building at the aforesaid premises by demolishing the existing structure. The petitioners would submit that the private respondents could not have continued with the construction after the injunction order was passed. Having regard to the above, a representation was made before the municipal authorities on 13th January, 2026. Since the representation was not considered, the instant writ petition has been filed.

5. Though, the municipality is not represented, however, noting from the submissions made by the learned advocate for the parties and considering the materials on record, I find that the matter must be enquired into by the municipality. Accordingly, I direct the municipality to take a decision on the representation, as aforesaid, by giving an opportunity of hearing to the parties as expeditiously as possible, preferably within a period of three weeks from the date of communication of this order. The municipality shall, however, not decide

any issue touching the order of status quo. It shall only decide whether the construction is with the sanction of the municipality.

6. If on the basis of the decision to be taken by the municipality it transpires that any unauthorized construction has taken place beyond the sanctioned plan, appropriate proceeding under Section 218 of the West Bengal Municipal Act, 1993 shall be initiated and the same shall be brought to a logical conclusion as expeditiously as possible, preferably within a period of eight weeks from the date of initiation of such proceeding. The entire process shall be concluded within a period twelve weeks from date.

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

Urgent photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)