

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5260 of 2026

CESC Limited
Versus
The State of West Bengal & Ors.

Mr. Basabraj Chakraborty
Mr. Satyaki Chaudhuri
... For the petitioner.

1. Affidavit of service filed in Court is taken on record.
2. Complaining inaction on the part of the municipality to resist unauthorized construction and trespasser on R.S. Dag No. 443, J.L No. 44, Mouza – Achipur, P.S. Budge Budge, District – South 24 Parganas, the instant writ petition has been filed.
3. Learned advocate for the petitioner would submit that the private respondent as trespasser has constructed a shop room on the petitioner property. The same is illegal and the municipality should remove the same. According to him, though he has sought for an inspection, the municipality did not take any steps.
4. Despite service, the respondents are not represented.
5. Noting that a complaint has been lodged, I am of the view that the municipality should inquire into the matter. However, at the same time if it pertains to any private dispute and the matter to the extent relates to trespasser shall not be enquired into by the municipality.

The enquiry of the municipality is limited to illegal construction within the meaning of the provisions of the West Bengal Municipal Act, 1993.

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

7. The petitioner is directed to communicate the aforesaid order to the non-appearing respondents.

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.)