

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4940 of 2025

Anawara Ostagar
Versus
The Krishnanagar Municipality & Ors.

Mr. Goutam Dinda
... For the petitioner.

Mr. Anindya Sundar Chatterjee
... For the municipality.

Mr. Soumyadeep Biswas
... For the respondent no.5.

1. Although an order has been passed on 19th February, 2026, however, at the time of scrutinizing the records it transpired that in the short list of dates and in the index paper in the cause title of the writ petition the respondents have been wrongly described as “The Haldia Municipality & Ors.” though in the main cause title of the petition the name of Krishnanagar Municipality appears. The writ petition has, however, been filed against the Krishnanagar Municipality.

2. Having regard thereto, the unsigned order dated 19th February, 2026 is recalled and the matter is taken up for consideration afresh.

3. At this stage, since the learned advocate for the petitioner would seek leave to correct the cause title of the writ petition appearing in the index, short list of dates and the list of dates of the petition and would submit that due to inadvertence the aforesaid error has crept in and

since, no objection is raised by the learned advocate for the municipality, leave is granted to the petitioner's advocate-on-record to correct the cause title to the extent indicated hereinabove in course of the day.

4. Alleging unauthorized construction being carried out by the respondent no. 5 over the land lying at plot no. 6641, 6642 and 6643, J.L. no. 92, Mouza – Krishnanagar, P.S. Kotwali, Nadia within the jurisdiction of Krishnanagore Municipality, the instant writ petition has been filed. According to the petitioner, though the petitioner had made a compliant before the Municipality on 29th January 2025, the municipality had failed to take any steps.

5. Having heard the learned advocates appearing for the respective parties and considering the fact that the compliant has been made by the petitioner before the municipality which remains outstanding, I am of the view that without calling for a report from the municipality, it would be prudent at this stage to direct the municipality to carry out an inspection of the property in question upon notice to the parties.

6. On the basis of the inspection to be carried on, if the Municipality is of the view that any illegal construction has taken place, the municipality shall, by passing a reasoned order, proceed under Section 218 of the West Bengal Municipal Act, 1993.

7. On the contrary, if the municipality is of the view that there is no illegal construction, the matter shall not be

required to be proceeded further and the aforesaid fact will be noted down by passing a reasoned order which shall be communicated to the parties.

8. Since, no affidavit has been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

9. With the above direction and observation the writ petition stands 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.)