

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

Present :

**The Hon'ble Justice Raja Basu Chowdhury**

**WPA 5016 of 2026**

**Sanei Bikes Private Limited & Anr.  
Versus  
The Bidhannagar Municipal Corporation & Ors.**

For the petitioners : Mr. Subhasish Sengupta  
Mr. Manish Shukla  
Ms. I. Banerjee

For the Bidhannagar : Mr. Sirsanya Bandyopadhyay  
Municipal Corporation : Mr. Tirthankar Dey  
Mr. Arka Kumar Nag

Heard on : 30.03.2026

**Judgment on : 30.03.2026**

**Raja Basu Chowdhury, J (Oral):**

1. The affidavit-of-service filed in Court today is taken on record.
2. The present writ petition has been filed, inter alia, challenging the notice dated 20th February, 2026, whereby the petitioners were directed to carry out the demolition in terms of the reasoned order passed by the Commissioner, Bidhannagar Municipality vide memo No. 471/BMC/Law/BP(Pond)/2024 dated 23rd March, 2024.

3. The matter has chequered history. Challenging the aforesaid demolition order dated 23rd March, 2024, the petitioners had approached this Court in WPA 208 of 2024. A co-ordinate Bench of this Court by an order dated 22nd November, 2024 by perusing the order dated 23rd March, 2024 had concluded that the said order had been passed under the provisions of Indian Fisheries Act, 1984 (hereinafter referred to as the Fisheries Act). As such it was immaterial which specific Section of the Act has been cited in the impugned order as the Commissioner is duly empowered under the provisions of Fisheries Act to initiate proceedings. The Court further while negating the contention of learned advocate for the municipality had concluded that the orders under the Fisheries Act, 1984 and the West Bengal Municipal Corporation Act, 2006 (hereinafter referred to as the said act) could not have been issued by a common process. Accordingly, since, the Court was of the view that the impugned order has been passed under the Fisheries Act, 1984, the same did not preclude the Corporation (in short the Municipality) from initiating fresh proceedings in accordance with the provisions of the said act with regard to the alleged unauthorized construction, if so advised. Accordingly, the Court granted a limited stay of the order dated 23rd March, 2024 for a period of one month insofar as the same pertains to direction for demolition of unauthorized construction.

4. Records would reveal that the writ petitioners had preferred an appeal from the aforesaid order before the appellate authority within the meaning of fisheries Act which was registered as appeal No. 3 of 2024. By an order dated 21st January, 2026, the appeal was dismissed.
5. Challenging the aforesaid order dated 21st January, 2026 passed by the appellate authority, the petitioners filed a the writ petition before a Co-ordinate Bench of this Court which was registered as WPA 4604 of 2026.
6. The Coordinate Bench of this Court by an order dated 27th February, 2026 had granted stay of operation of the order dated 21st January, 2026 passed by the appellate authority under Section 18 of the Fisheries Act, though such interim order was for a limited period.
7. Mr. Sengupta, learned advocate representing the petitioners would submit that the aforesaid order has since been extended. The petitioners are, however, aggrieved with the steps taken by the municipal authorities to enforce the order dated 23rd March, 2026 by the notice dated 20th February, 2026, without initiating any fresh proceedings. According to Mr. Sengupta, the municipal authorities are estopped from enforcing the order dated 23rd March, 2023, having regard to the order passed by the Coordinate Bench on 22<sup>nd</sup> November, 2024.

8. Mr. Dey, learned advocate appears on behalf of Bidhannagar Municipal Corporation. He has placed before this Court a copy of the writ petition, being WPA 4604 of 2026 and by drawing attention of this Court to the prayers made in the said writ petition he would submit that the petitioners having previously approached this Court in the aforesaid writ petition, in effect seeking stay of the selfsame order is estopped from filing a further writ petition.
9. Having heard the learned advocates appearing for the respective parties I find that in the instant case though the municipality claims to have passed a combined order under the provisions of the Fisheries Act and the said Act, on a challenge to such order the Coordinate Bench of this Court has negated such contention of the municipality and has held that the order dated 23rd March, 2024 is in fact an order passed under the Fisheries Act. By further noting that orders under both the Acts could not have been passed through a common process, at the same time the Hon'ble Court had also granted opportunity to the municipality to initiate a fresh proceeding in respect of the cause of action based on which the municipality appears to have passed the order dated 23rd March, 2024 under the provisions of the said Act. Nothing from the submissions of Mr. Dey, that no separate proceeding has been initiated by the municipal authorities and there is no challenge to the order dated 22nd November, 2024, I

am of the view that it is too late in the day for the municipal authorities to enforce the order dated 23rd March, 2024 as the order passed under the said Act.

10. Accordingly, the notice dated 20th February, 2026 cannot be sustained and the same is set aside leaving it open to the municipal authorities to proceed in terms of the opportunity reserved by the Coordinate Bench vide its order dated 22nd November, 2024 in accordance with law, if so advised.
11. With the above observations and directions the writ petition stands disposed of.
12. Urgent photostant certified copy of this order, if applied for, be given to the parties upon compliance with the requisites formalities.

**(Raja Basu Chowdhury, J.)**

**SB/SAYANDEEP**  
**A.R. (Court)**