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30.03.2026
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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5060 of 2026

Subrata Mukherjee
Versus
The Maheshtala Municipality & Ors.

Mr. Debnath Ganguly
Mr. Aranya Saha
Mr. Supriyo Dutta
... For the petitioner.

Mr. R. N. Chakraborty
Mr. R. Singh
For the municipality.

1. Affidavit of service filed in Court is taken on record.
2. The petitioner is aggrieved by the inaction on the part of the municipal authorities in failing to arrest the illegal construction being carried out by the private respondents. According to the petitioner, the private respondents are carrying out such construction on the approach road, leading to the petitioner's property situated at Dag No. 1061, Khatian No. 630, J.L. No. 1 Mouza- Krishnagar, Touzi No. 350, Ward No. 20 under Mahashtala Municipality.
3. Learned advocate for the petitioner would submit that although the petitioner had made complaint before the municipal authorities, the municipal authorities had failed to take any steps in this regard.

4. Despite service, the private respondents are not represented.

5. Mr. Chakraborty, learned advocate representing Mahashtala municipality would submit that he is yet to receive any instruction in this matter.

6. Having heard the learned advocates appearing for the respective parties and noting that the petitioner and the private respondents are at loggerheads and a civil suit is pending between the parties where there is subsisting order of injunction, I am of the view at this stage it shall only be appropriate to direct the municipality to carry out an inspection and ascertain whether any construction is coming up. It is made clear that the municipality shall not enter into any private dispute. This Court does not make any observation as to whether the passage is exclusively meant for the use of the petitioner. However, the only issue that the municipality may consider is whether any construction is coming up without its sanction.

7. Accordingly, the writ petition is disposed of by directing the municipality to carry out an inspection and decide whether any illegal construction is coming up at the locale. If the municipality finds that there is illegal construction, appropriate steps shall be taken in accordance with law upon deciding the petitioner's representation within a period of four weeks from the date of communication of this order.

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.)