

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5173 of 2026

Ashok Kumar Deb & Anr.
Versus
Ashokenagar Kalyangarh Municipality & Ors.

Mr. Debjit Mukherjee
Mr. Kaustav Bhattacharya
Mr. Priyanka Jana
... For the petitioners.

Mr. Rudranil De
Mr. Manoranjan Mahata
... For the municipality.

1. Affidavit of service filed in Court is taken on record.
2. Complaining unauthorized construction at the behest of the respondent no.6 and for a direction upon the municipality to take steps on the basis of the petitioners' representation regarding illegal construction at L. R. Dag no. 750, L.R. Khatian no. 2405 & 2407, under Mouza – Maniknagar, J. L. No. 89 under Ashoknagar Kalyangarh Municipality, the instant writ petition has been filed.
3. The petitioners would complain that though the municipality had taken cognizance of their complaint, however, the notice of hearing which has been served on them requires the petitioners to produce all relevant documents including site plan, tax receipt, building plan and provides that the matter would be settled in course of hearing.
4. According to Mr. Mukherjee, learned advocate representing the petitioners, the municipality was under

obligation to at least make an inspection before calling the petitioners for hearing by directing them to produce all title documents. Mr. Mukherjee apprehends that the petitioners in course of hearing may be compelled to accept unjust settlement.

5. Mr. De, learned advocate appears on behalf of the municipality. According to him on the basis of the complaint made by the petitioners stop work notice has already been issued. In support of his contention he has placed before this Court a report dated 30th March, 2026 countersigned by the Chairman of Ashokenagar Kalyangarh Municipality.

6. Having heard the learned advocates appearing for the respective parties and noting that the municipality has already taken cognizance of the matter, I am of the view at this stage it shall only be prudent to direct the municipality to dispose of the proceedings already initiated by carrying out an inspection, and by providing an opportunity of hearing to the parties. The inspection report must be circulated to the parties before the final hearing is conducted for the parties to respond to the same.

7. Pending decision by the municipality no further construction shall take place at the locale.

8. Let a copy of the report dated 30th March, 2026 as placed by Mr. De be taken on record.

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

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

(Raja Basu Chowdhury, J.)