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20.04.2026
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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5360 of 2026

Raj Agarwal alias Rajesh Agarwal
Versus
The State of West Bengal & Ors.

Mr. Raj Agarwal
... petitioner-in-person

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh
Ms. Debolina Ghosh
... For the municipality.

Mr. Lalit Mohan Mahata
Ms. Ashima Das (Sil)
... For the State.

1. Report filed in Court today on behalf of the municipality and the State are taken on record.
2. It appears that in terms of the earlier order passed by this Court the municipality has been able to remove the obstruction in front of the designated parking space of the petitioner on the ground floor at premises no.16/1, Guha Park, Liluah, Howrah – 711204.
3. From the report filed by the State it would transpire that a proceeding under Section 221/223/127(2) BNS has been started on 2nd April, 2026. The report, however, does not enlighten this Court as to the outcome of the investigation and or the steps taken by the police authorities.

4. Insofar as the municipality is concerned, I find though the municipality has been able to remove the obstruction, the allegation of illegal construction is yet to be addressed.

5. Accordingly, I direct the municipal authorities to take appropriate steps in the matter by carrying out an inspection. If the municipality on the basis of the inspection to be carried out by them identifies any illegal construction, appropriate steps shall be taken in terms of provisions contained in Section 218 of the West Bengal Municipal Act, 1993.

6. It is made clear that this Court has not gone into the merits of such alleged illegal construction and it shall be open to the municipality to decide the same in accordance with law, being uninfluenced by any of the observations made hereinabove.

7. It is expected that the decision in this regard shall be taken by the municipality as expeditiously as possible, preferably within a period of twelve weeks from the date of communication of this order.

8. Needless to note that the State shall complete the investigation and bring the same to a logical conclusion as well.

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

10. With the above observations and directions 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.)