

April 1, 2026
(2) ARDR

WPA 5832 2024
CAN 1 of 2024
CAN 2 of 2025

Dr. Lalit Maji & ors.
Vs.
The State of West Bengal & ors.

Adv. Salil Kumar Sarkar,
...for the applicants/petitioners.
Adv. Sibojyoti Chakraborti,
Adv. Riya Ghosh,
...for the respondent no.2.
Adv. Ayan Banerjee,
Adv. Subhabrata Das,
...for the State.

Re : CAN 2 of 2025

Affidavit of service filed by the petitioners is taken on record.

The petitioners seek substitution of respondent no.10 who has expired during pendency of the writ petition.

Heard learned counsels for the parties.

The application is filed within the statutory period of time.

The application being CAN 2 of 2025 is allowed.

The heirs of respondent no.10 be substituted in his place.

The cause title of the writ petition be amended accordingly.

Service has already been effected upon the substituted respondents.

Re : WPA 5832 2024

Report submitted by the Zilla Parishad is taken on record.

Learned counsel for the petitioners submits that the private respondents are raising unauthorised construction without obtaining sanctioned plan and in violation of building rules.

It appears from the report submitted by the Zilla Parishad that on spot inspection, it is found that the construction raised by the private respondents is in violation of the building rules. No sanctioned plan has also been produced before the authority.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the Zilla Parishad has observed that the construction raised by the private respondents is unauthorised/without obtaining any sanctioned plan and in violation of building rules, the District Engineer, Howrah Zilla Parishad, being the 2nd respondent herein, is directed to consider and dispose of the representation submitted by the petitioners on 1st September, 2024 within six weeks from the date of communication of the order upon granting reasonable opportunity of hearing to all concerned including the petitioners and the private respondents, in accordance with law.

The decision taken by the authority shall be communicated to the parties within a week thereof.

In the event the concerned authority arrives at a conclusion in tune with the spot inspection report, the authority shall take necessary steps in accordance with law.

The writ petition is accordingly disposed of.

The connected application being CAN 1 of 2024 is also disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)