

11.03.2026
Sayandeep
Sl. No. ML 63
Ct. No. 03

WPA 5602 of 2025

Tushar Chakraborty
Vs.
State of West Bengal & ors.

Mr. Amalendu Bikash Dutta
.... For the Petitioner

Mr. Sankar Prasad Dalapati
..... for the respondent Nos. 10-11

Mir Annuruzzaman
..... for the municipality

1. Alleging illegal construction and in action on the part of the Rajpur Sonarpur Municipality, the instant writ petition has been filed. The petitioner claims to be co-owner in respect of RS Das No. 4, JL No. 42, LR Khatian No. 342, Mouza-Panchpota, P.S. Narandrapur with the respondent Nos. 8 and 9 (in short the said plot).
2. According to the petitioner, the respondent Nos. 10 and 11 have been carrying out construction on the aforesaid plot of land without any sanction from the municipal authorities. Though, a complaint was lodged, the municipal authorities are yet to take any steps.
3. Both the municipality as also private respondent Nos. 10 and 11 are represented. The learned advocate for the respondent Nos. 10 and 11 would submit that the construction carried out by the aforesaid respondents is not on the plot belonging to the petitioner.

4. Having heard the learned advocates appearing for the respective parties and considering the materials on record, I am of the view that since a complaint has already been lodged by the petitioner, it shall only be prudent to direct the municipality to decide on the petitioner's complaint by carrying out an inspection if necessary in accordance with law. If on the basis of such inspection, the municipality is of the view that illegal construction has been carried out, appropriate proceedings under the provisions of Section 218 of the West Bengal Municipal Act, 1993 shall be initiated by passing a reasoned order upon hearing the parties.
5. Since no affidavit-in-opposition has been called for, the allegations made in the petition are deemed not to have been admitted. This Court has also not entered into the merit of the cause and it shall be open to the municipality to decide the same being uninfluenced by any of the observations made herein.
6. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)