

05.01.2026
Court No.03
Item 04
Cp

WPA No. 5962 of 2024

Tarak Nath Nag & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Uttiya Ray
Ms. Anima Maiti

.....for the petitioners.

Ms. Jhuma Chakraborty
Mr. P. Goswami

....for the State.

Mr. Subhasis Bandopadhyay

.....for the respondent nos. 2 to 4.

1. Affidavit of service filed in court today is taken on record.
2. Despite service, the private respondents are not represented.
3. Learned advocate for the petitioner submits that the private respondents have been constructing on L.R. Plot Nos. 9047 and 9048, J.L. No. 30, under Mouza-Bardhaman in Ward No. 32, Holding No.24 within Burdwan Municipality, unauthorizedly. Although the petitioners had initially proceeded on the premise that there was no sanction building plan, however the petitioners later came to learn that the building plan has duly been sanctioned.

4. There is, however, no challenge to the aforesaid building plan. At least no representation to that effect has been made before the municipality. The learned advocate for the municipality has, however, by placing before this court a 'Stop Work Notice' dated May 31, 2024 would submit that since the private respondents had been carrying out illegal construction de hors the sanction building plan, a 'Stop Work Notice' under Section 220(1) of the West Bengal Municipal Act, 1993 (hereinafter referred to as 'the said Act'), had been issued. Learned advocate for the municipality has also claimed that the municipality is in the process of taking steps under Section 218 of the said Act.
5. Prima facie, nothing has been disclosed before this court to demonstrate that any illegal construction has been carried out apart from the purported notice dated May 31, 2024. Nothing has been shown before this court to demonstrate any further steps has been taken by the municipality in furtherance of the aforesaid notice.
6. Be that as it may, I am of the view taking note of the fact that a 'Stop Work Notice' has been issued, no fruitful purpose will be served by keeping the writ petition pending. If the municipal authorities are of the view that any illegal construction has

been carried out, the municipal authority shall take steps in accordance with law.

7. However, it is made clear that if the construction has come up with the sanction building permit, no further steps shall be necessary.

8. The writ petition accordingly stands disposed of.

9. All the parties are directed to act on the basis of the server copy of this order, duly downloaded from the official website of this court.

(Raja Basu Chowdhury, J.)