

18.05.2026
sayandeep
Sl. No. 18
Ct. No. 03

WPA 10026 of 2026

Provanjan Sen
Vs.
The State of West Bengal & ors.

Mr. Mrinal Kanti Ghosh
Mr. Chandra Nath Sarkar
Ms. Bipasha Bhattacharyya
..... for the petitioner

Mr. MIR Anuruzzaman
..... for the Municipality

Mr. Aniket Mitra
Mr. Sayan Dutta
..... for the respondent No. 6

1. The present writ petition has been filed in effect for implementation to the order dated 28th June, 2024 passed by the Board of Councilors of the Rajpur Sonarpur Municipality.
2. The matter has a checkered history. The petitioner previously complaining of illegal construction had made a representation before the municipality dated 9th February, 2024. Since the said representation was not considered, the petitioner had approached this Court in WPA 4803 of 2024. By an order dated 1st May, 2024, a Co-ordinate Bench of this Court was, inter alia, pleased to direct the municipality to carry out a spot inspection and ascertain the nature of unauthorized construction. It was also provided that in the event, the respondent was of the opinion that

construction has been made either in violation of the sanctioned plan or devoid of the sanction plan necessary steps shall be taken dealing with the unauthorized construction.

3. Although the private respondent who is represented in Court would contend that an appeal has been filed from the said order and is pending before the Division Bench, in the interregnum, however, the said order dated 1st May, 2024 passed by the Coordinate Bench has already been implemented by the Board of Councilors of the municipality. The private respondent had duly participated in such proceedings. Ultimately, the Board of Councilors was, inter alia, pleased to pass the order dated 28th June, 2024 directing the private respondent to remove the toilet on the first floor (red marked portion) of his house with 5 numbers pillars over the septic tank at the back side of his house within three months from the date of receipt of the reasoned order. The inspection report dated 27th June, 2024 along with the sketch plan has been noted in the above order. There appears to be no challenge to the aforesaid order. The municipality unfortunately is sitting tight over the matter.
4. Having regard to the peculiar facts, I direct the municipality to forthwith take steps and implement the aforesaid order in accordance with law. It is expected that the municipality shall execute the

same in accordance with law within a period of 8 weeks from the date of communication of this order.

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

(Raja Basu Chowdhury, J.)