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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9890 of 2025

Debabrata Biswas
Versus
The State of West Bengal & Ors.

Mr. D. Sen
Mr. N. B. Mondal
Mr. S. Chakraborty
... For the petitioner.

Mr. Md. Ahsanuz Zaman
Mr. Tanmoy Khan
... For the State.

Mr. Arka Tilak Bhadra
... For the municipality.

Mr. Soumyajit Bhatta
Mr. Alokendu Bandopadhyay
... For the respondent nos. 5 and 7

1. Affidavit of service filed in Court is taken on record.
2. Alleging illegal construction at the behest of the private respondent nos. 5 and 7, without keeping mandatory side open space at premises no. B-94 Purbayan, Sodepur, Ward No.33 under Panihati Municipality, North 24 Parganas, the instant writ petition has been filed.
3. Both the municipality as also the private respondents are represented. Learned advocate representing the private respondents by placing before this Court a building permit dated 1st March, 2025 would

submit that the construction that has come up at holding no.87, Natagarh Main Road, Ward No. 33, L.R. Khatian No. 1930, 3615, 3616, Mouza – Natagarh, Police Station Gholia is with the sanction of the municipal authorities.

4. Let a copy of the aforesaid building permit along with payment receipt as placed before this Court be taken on record.

5. Learned advocate for the municipality is, however, unaware with regard to the state of affairs prevailing. He submits that he is yet to receive any instruction in the matter.

6. The State is represented. The State has filed a report noting the complaint made by the petitioner that the construction carried out by the private respondents is in deviation of the building rules and without leaving mandatory open space. Let the same also be taken on record.

7. Having heard the learned advocates appearing for the respective parties, I am of the view that since a complaint has already lodged by the petitioner, though the private respondents have claimed that the construction is with the concurrence of the municipal authorities, the municipal authorities should enquire into the matter, if necessary by carrying out an inspection and circulate the report to the parties. A decision in this regard must be taken by the municipal authorities as

expeditiously as possible, preferably within a period of four weeks from the date of communication of this order.

8. If on the basis of the decision to be taken by the municipal authorities, which must be communicated to the parties by passing a reasoned order if it transpires that illegal construction has taken place, appropriate proceeding under Section 218 of the West Bengal Municipal Act, 1993 shall be initiated. On the contrary, if no illegal construction is noted, the matter shall not be proceeded further.

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 is 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.)