

31.03.2026.  
Court No.03.  
AD 8-9  
(sayandeep)

**WPA 10806 of 2024**  
**Chandan Biswas & Ors.**  
**-Vs.-**  
**State of West Bengal & Ors.**  
**With**  
**WPA 19688 of 2025**  
**Gitika Pal**  
**Vs.**  
**The State of West Bengal & ors.**

Mr. Anindya Bose,  
Mr. Santanu Maji,  
Mr. Subhayu Das,  
Ms. Debrani Mondal,  
Ms. Raina Das

.....for the petitioners  
in both the matters

Mr. Rudranil De,  
Mr. Pradyot Das.

.....for the State in  
WPA 10806 of 2024

Mr. Sougata Mitra  
Mr. Rameshwar Sinha

.....for the State in WPA 19688  
of 2024

Mr. Achintya Kr. Banerjee,  
Ms. Indumouli Banerjee.

.....for the municipality in  
both the matters.

Mr. Abhijit Sarkar,  
Mr. Raja Biswas.

....for the private respondents in  
both the matters.

**In Re: WPA 10806 of 2024**

1. On 23<sup>rd</sup> February, 2026, this Court had passed the following order:

“Affidavit-of-service filed in Court today is taken on record.

The writ petition has a chequered history. Previously, the private respondent had filed the writ petition, alleging that the

complaint as regards the unauthorized construction filed by the private respondent had not been considered and the writ petition being WPA 27225/2023 was filed. In the previously instituted writ petition, the writ petitioners were the private respondents.

Records would reveal that by an order dated 29<sup>th</sup> April, 2024, the said writ petition was disposed of and noting that the municipality has already passed an order under Section 218 of the West Bengal Municipal Act, 1993 (hereinafter referred to as the "said Act") and had disposed of the same by directing the parties to act in accordance with the direction issued by the municipality and it was further provided that in the event the unauthorized construction is not demolished, then the municipality shall take steps to demolish the same and of demolition from the persons responsible. Being aggrieved from the said order, an appeal was filed since by such time challenging the order passed under Section 218(3) of the said Act, an appeal had already been filed.

It was contended before the Division Bench of this Court that if the order passed by this Court on 29<sup>th</sup> April, 2024 was implemented, the same would render the appeal filed by the person responsible infructuous.

The Division Bench of this Court balancing the right of the parties had directed the 1<sup>st</sup> Civil Judge, Junior Division at Ranaghat, Nadia to dispose of the appeal as expeditiously as possible and not later than 3 months from the date of communication of this order.

Mr. Das, learned advocate representing the writ petitioner in the present writ petition and the appellant in the appeal would submit that the appeal is still pending consideration.

Having regard to the disclosure made today and nothing that there is a subsisting order passed by the Division Bench of this Court directing the 1<sup>st</sup> Civil Judge, Junior Division at Ranaghat, Nadia to dispose the appeal being appeal no.1 of 2024, I am of the view that in this

regard the records may be called for from the learned District Judge, Nadia.

List this matter for further consideration under the same heading on **March 24, 2026**.

Let the writ being WPA 19688 of 2025 filed by the private respondents be also taken for consideration when the matter is taken up next.”

2. Pursuant to the aforesaid directions and in compliance thereof, a report has been filed. From the aforesaid report, it would appear that the petitioner who is the appellant had filed a petition under order 26 Rule 9 under the Code of Civil Procedure read with Section 151 thereof for an appointment of advocate Commissioner for local inspection. As it was the contention of the appellant that local inspection was necessary for proper demarcation of eastern, western, northern and southern boundaries of LR plot No. 8313 and 8314 under JL No. 155 Mouza-Ranaghat for determining the possession of G+3 storied building.
3. Report would also reveal that by an order No. 15 dated 3<sup>rd</sup> September, 2025, the said petition was allowed. Subsequently, on 17<sup>th</sup> November, 2025, the appellant unnecessarily sought for change of the advocate Commissioner. Such prayer was also allowed and the advocate Commissioner was changed. The appellant thereafter continued to delay the proceedings. The appellant did not despite directions passed by the learned Court make deposit the Commissioner's cost as was

required for execution of the commission work. On 10<sup>th</sup> December, 2025, when the matter was taken up for filing of the commissioner's report it was found that the report has not been filed as the commission work had not yet been undertaken. As such again on 15<sup>th</sup> January 2026, the appellant was directed to make payment of commissioner's cost and submit the money receipt before this Court. However, the cost was not deposited on the date when the report was prepared. However, having regard to the order passed by this Court, the Commissioner was directed to submit a report prior to 19<sup>th</sup> March, 2026.

4. Although at this stage, in response to a query, Mr. Bose learned advocate representing the petitioner who is the appellant before the Trial Court would submit that the cost has already been paid directly to the learned Commissioner, I am of the view having regard to the observations made in the above report, no reliance can be placed on such information slip disclosed by the petitioner. It is made clear that if the costs are not paid and/or remains outstanding, when the matter is taken up next, the commission proceeding should be immediately brought to a close, having regard to the specific direction issued by the Division Bench of this Court in MAT 871 of 2024. The learned Court should also endeavour to conclude the proceeding as expeditiously as possible without granting any further unnecessary adjournment to

the parties having regard to and in compliance of the order dated 10<sup>th</sup> June, 2024.

5. Independent of the above, it now transpires that the present complaint filed by the petitioners is a counter blast to the proceedings initiated against the private respondent.
6. Upon going through the materials on record, it is apparent that the construction which the petitioners alleges to have come up by breaching the demarcation of the property line, in my view, cannot fall for consideration before the municipal authorities, as the same would require adjudication by a civil forum.
7. Accordingly, the writ petition is dismissed without any order as to costs.

**In Re: WPA 19688 of 2025**

8. Insofar as the WPA 19688 of 2025 is concerned, the said writ petition has been filed complaining inaction on the part of the municipal authority to take necessary follow up action pursuant to the order passed by the Hon'ble High Court on 29<sup>th</sup> April, 2024. Admittedly, in the said case, an appeal was filed from the said order which resulted in the order dated 10<sup>th</sup> June, 2024 passed in MAT 871 of 2024 which required the statutory appeal to be disposed of within 3 (three) months. The appeal filed by the private respondent in this petition is still pending before the learned Civil Judge (Junior Division), 1<sup>st</sup> Court,

Ranaghat, Nadia. As such there is no scope to issue any direction at this stage.

9. Accordingly, the writ petition is dismissed without any order as to costs.

10. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Hon'ble Court.

**(Raja Basu Chowdhury, J.)**