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Court No. 3
16.6.2026
SB

W.P.A. 10879 of 2026
Sri Ashok Dey
VS
The State of West Bengal & Ors.

Mr. Subrata Santra
Mr. G. Dey ... for the petitioner

Mr. Sandipan Banerjee
Ms. Priyanka Sen
... for Howrah Municipal Corporation

Mr. Sovan Mukherjee ... for the State

1. Affidavit of service filed in Court is taken on record.
2. Complaining illegal construction at the behest of the private respondent at holding numbers 46/1 and 46/2, Stall Kart Lane, Ward No. 4, Post Office – Salkia, Police Station – Malipanchghora, District – Howrah comprising of Dag No. 108, Khatian No. 386 under the Howrah Municipal Corporation, the instant writ petition has been filed.
3. Learned counsel appearing on behalf of the writ petitioner by placing before this Court, the complaints addressed both to the BL & LRO as also the Municipality would submit though the petitioner has brought to the notice of the municipal authorities the illegal construction and the illegal filling up of the existing recorded pond at the aforesaid holding, the municipal authorities have failed to take any steps in this regard. Though the Municipality and the State are represented, the private respondents remain unrepresented.

4. Having heard, the learned advocates appearing for the respective parties I am of the view that at this stage it shall be prudent for this Court to direct the municipality to carry out an inspection at the locale. The inspection in this regard must be carried out within five working days from date.
5. On the basis of the inspection if the Municipal authorities are of the view that the illegal construction has taken place immediate steps shall be taken to arrest such illegal construction by issuing appropriate stop work notice, and further steps shall also be taken to initiate proceeding under Section 177 of the Howrah Municipal Corporation Act, 1980 and rules framed thereunder. If on the contrary the municipality is of the view that no illegal construction has taken place the same shall be communicated to the petitioner by passing a reasoned order within a period of two weeks from the date of communication of this order. The proceeding, if initiated under Section 177 of the Howrah Municipal Corporation Act, 1980 shall be brought to a logical conclusion within a period of eight weeks from the date of initiating such proceedings.
6. With the aforesaid observations, the writ petition is disposed of.
7. Since the affidavits have not been called for the allegations made in the Writ Petition are deemed to have been denied and not admitted.

(RAJA BASU CHOWDHURY, J.)