

June 11, 2026
(7) ARDR

WPA 11111 of 2026

Samarendra Nath Sit
Vs.
The State of West Bengal & ors.

Adv. Sudipta Dasgupta,
Adv. Arindam Shit,
...for the petitioner.

Adv. Kumar Jyoti Tewari,
Adv. Nilay Sen Gupta,
Adv. Sujit Bnerjee,
...for the respondent nos. 10 & 11.

Adv. Shibojyoti Chakrabarti,
Adv. Riya Ghosh,
Adv. Debolina Ghosh,
...for the respondent no.3.

Adv. D. N. Ray, Ld. G.P.,
Adv. Madhu Jana,
Adv. Puja Sonkar,
...for the State.

Affidavit of service filed by the petitioner is taken on record.

Heard learned counsels for the parties.

Alleging unauthorised construction of basement + G + 5 storied building being raised by the private respondents in L.R. Dag no. 2468 under Mouza Bankul adjacent to the petitioner's land, the petitioner filed a writ petition being WPA 26288 of 2022. By an order passed on 12th December, 2022, a coordinate Bench of this Court disposed of the writ petition with a direction upon the Jagatballavpur-II Gram Panchayat to make an inspection in presence of the parties and to ascertain whether both the parties maintained adequate side space as required by the building rules. Whether the parties constructed in accordance with the rules and as per their respective sanction plans was directed to be decided. A reasoned order was directed to be

passed and remedial measures directed as per the relevant Act in case of deviation/violation by either party. The said order was carried in appeal before the Hon'ble Division Bench of this Court and by an order passed in MAT 66 of 2023 on 13th February, 2023, the Hon'ble Division Bench upheld the order passed by the learned single Bench. Since the orders were not complied with, a contempt application was filed by the petitioner which is still pending.

Learned counsel for the petitioner submits that the said unauthorised construction is still continuing and the issue has not been decided by the Zilla Parishad in terms of the earlier order of this Court.

Per contra, learned counsel for the private respondents submits that the private respondents are raising construction strictly in terms of the sanctioned building plan granted in their favour and after leaving requisite side space in terms of the building rules. The construction is complete.

I have considered the rival contention of the parties. The allegation raised by the petitioner has been dealt with in the earlier writ petition. Contempt application is pending for non compliance of the order passed by this Court.

In view of the above, the allegation of the petitioner of non compliance of the earlier order of this Court is required to be dealt with in the contempt application. However, on prayer of the petitioner, liberty is granted to withdraw the

writ petition and submit a comprehensive representation before the District Engineer, Howrah Zilla Parishad, being the 5th respondent herein, ventilating his grievance. The 5th respondent shall deal with the same in accordance with law.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)