

10.02.2026
Ct. 3
Item No.
AD 9
Saswata

WPA 11041 of 2025
Islam Mondal
Versus
State of West Bengal & Ors.

Mr. Chinmoy Pal
Ms. Swati Mondal

...For the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kr. Nag

...For the State BMC

1. Affidavit of service filed in Court today is retained with the record.

2. The instant writ petition has been filed complaining inaction on the part of the Bidhannagore Municipal Corporation in arresting illegal construction being carried on by the respondent no. 10 in respect of Dag no. 3452, Khatian no. 507, Mouza-Gopalpur, J.L. no. 2, ward no. 4.

3. The petitioner would complain that the respondent no. 10 who is the adjacent owner of the petitioner's premises has been carrying out illegal construction without any sanction building plan. Although, a complaint was lodged with the municipal authorities on 9th May 2025, the Municipal authorities had failed to take any steps in this regard.

4. The Bidhannagore Municipal Corporation and the State are represented.

5. Insofar as the private respondent is concerned, the postal envelop annexed to the

affidavit of service would demonstrate that the service on the private respondent has been refused.

6. Having regard to the aforesaid, I am of the view that instead of calling for a report from the Municipal authorities, it would be prudent at this stage to dispose of the writ petition by directing the Municipal authorities to take steps on the basis of the aforesaid complaint filed by the petitioner and to dispose of the same by passing a reasoned order upon giving an opportunity of hearing to the parties.

7. If, on the basis of the decision to be taken by the Municipal authorities it transpires that any illegal construction has taken place, immediate steps shall be taken under the provisions of Section 266 of the West Bengal Municipal Corporation Act, 2006 and the same should be brought to a logical conclusion as expeditiously as possible, preferably within a period of 10 weeks from the date when the decision in this regard is taken. The entire exercise must be completed within 16 weeks from the date of communication of this order.

8. The decision as to whether any unauthorized construction has come up, must be taken by the respondents within a period of 4 weeks from date by carrying out an inspection and by retaining photographs of the inspected property in the file.

9. Since, I have not called for any affidavits, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

10. With the above direction and observation, the writ petition is disposed of.

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

(Raja Basu Chowdhury, J.)