

29.06.2026
Sl. 32
Ct No. 3
SG

WPA 11883 of 2026

**Kalidas Pal
Vs
The State of West Bengal & Ors.**

Mr. Anindya Sundar Das,
Mr. Shounak Ghosh,
Ms. Paromita Mondal,
Mr. Suman Halder,
Ms. Shabnam Yeasmin,
Mr. Subrata Bairagya.

...for the petitioner

Mr. D.N. Roy, Id. GP
Mr. Sukanta Ghosh,
Mr. Arghya Chatterjee.

...for the State

Mr. Asok Banerjee,
Mr. Samrat Banerjee.

...for respondent no. 6 & 7

1. Complaining illegal construction at the behest of the respondent nos. 6 to 18 at plot no. 1829, Mouza – Rampurhat, J.L. No. 77, P.S. Rampurhat, Dist. Birbhum the writ petition has been filed. The learned advocate for the petitioner has also drawn attention of this Court to the order dated 05.01.2026 passed by Civil Judge (Jr. Divn.), 1st Court, Rampurhat in T.S. 02 of 2026 and would submit that an order of injunction is subsisting between the parties. He would complain since the private respondents were attempting to encroach upon the petitioner's property, the aforesaid suit was instituted.

2. According to the petitioner a complaint was lodged with the Chairman, Rampurhat Municipality informing that the private respondents without maintaining the mandatory side open space has been carrying out the construction.

3. The private respondent nos. 6 and 7 are represented through an advocate, he would submit that on the basis of the complaint lodged by the petitioner an inspection has already been carried out. According to him, the construction carried out by the private respondents is in accordance with the sanctioned building plan.

4. Having heard the respective parties and considering the materials on record, since the municipality has already carried out an inspection, the outcome of such inspection must be intimated to the petitioner and the private respondents and shall decide on the petitioner's complaint. At the same time, I make it clear that the municipality shall not enter into any private boundary dispute between the parties as the same is pending adjudication before a competent civil court. The municipality shall only confine its consideration on the issue as to whether the construction that is being carried out by the private respondents is in accordance with the building plan.

5. The aforesaid direction is being issued on the premise that today there is no application for cancellation/revocation of the sanctioned building plan.

6. It is expected that the municipality shall communicate the decision to the parties within a period of two weeks from the date of the communication of this order.

7. Since no affidavits have been called for from the respondents, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

8. With the above directions, the writ petition stands disposed of.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Raja Basu Chowdhury, J.)