

22.06.2026
Ct. 3
Item No.
AD 89
Saswata

WPA 13141 of 2026

**Dinanath Bansfore
Versus
The State of West Bengal & Ors.**

Mr. Debasish Saha

...For the petitioner

Mr. Sovan Mukherjee

Ms. Sneha Chatterjee

...For the State

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

2. The petitioner has rushed to Court challenging that the demolition order dated 9th June 2026 has been passed by keeping the representation filed by the petitioner on 15th June 2026, pending. The order is being sought to be enforced.

3. Learned advocate appearing for the petitioner at the time of hearing has, however, placed before this Court a communication dated 16th June 2026 issued by the Municipality wherefrom it transpires that in furtherance to the representation dated 9th June 2026, a further measurement is likely to be placed. Following the aforesaid, a survey work was carried out and copy of the survey report has also been forwarded to the petitioner. Let a copy of the aforesaid document be retained with the record.

4. Learned advocate appearing for the petitioner submits that the final outcome on the basis of the aforesaid survey has not been intimated to the petitioner.

5. The State is represented, though the Municipality remains unrepresented.

6. Having heard the learned advocates appearing for the parties, I find that the matter has a chequered history. Previously, this Court had passed an order in connection with WPA 22519 of 2025 and WPA 17899 of 2025 on 18th June 2026, whereby this Court considering the case made out by the parties including the petitioner had directed the municipality to carry out an inspection of the locale and if the inspection calls for to initiate proceeding under Section 218 of the West Bengal Municipal Act, 1993, to initiate such and proceeding and take a decision.

7. Records reveal that the Municipality has already proceeded in terms of the order dated 18th February 2026. I find that although the Municipality had passed an order on 9th June 2026 directing removal of illegal construction within 19th June 2026, however, since the petitioner has made a representation, a further survey/inspection was carried on, wherein not only the petitioner but also the private parties had also proceeded and put their signature on the inspection sheet.

8. It is however, the petitioner's case that the outcome of such inspection has not been communicated to the petitioner and no further order has been passed.

9. Having heard the learned advocates appearing for the respective parties though the municipality and the private respondents remains unrepresented, I am of the view that there is no scope to intervene at this stage. Already the municipality appears to have taken steps. If the Municipality has not taken a final decision, the municipality shall take the same and communicate the same to the petitioner on expeditious basis.

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

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

(Raja Basu Chowdhury, J.)