

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 13742 of 2026

Prodyut Das
Versus
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee (VC)
Mr. Omar Faruk Gazi
Ms. Bidisha Das
... For the petitioner.

Mr. Sukanta Ghosh
Mr. Arghya Chatterjee
... For the State.

Mr. Amitabha Ghosh
... For the municipality.

1. Challenging the document captioned “demolition order notice” dated 17th June, 2026, in respect of the property situate at Mouza –Taki, J.L. No. 51, Dag Nos. 558 and 559, Khatian No. 6775 under Taki Municipality P.S. Hasnabad, District – North 24 Parganas, the instant writ petition has been filed.

2. Learned advocate representing the petitioner would submit that without holding any enquiry and without initiating any proceeding under the provisions of Section 218 of the West Bengal Municipal Act, 1993 (hereinafter referred to as the “said Act”) the demolition order has been passed.

3. Learned advocate representing the municipality by placing before this Court a report dated 20th June, 2026 prepared by the Sub-Assistant Engineer would submit

that there are deviation in each and every floor of the constructed building. According to him, though the total built up area that was sanctioned was 7759 sq. ft., however, upon actual measurement the area of the existing building is about 11040 sq. ft. Let a copy of the aforesaid report filed in Court be taken on record.

3. By drawing attention of this Court to the provisions of Section 215 of the said Act it is submitted that the Chairman of the municipality and or any other person authorized on his behalf has the power and competence to carry out an inspection and on the basis thereof, if the Chairman or any other person so authorized finds that the construction has been made otherwise than the sanctioned building plan, the Chairman may by notice in writing require the owner of the building either to make such alterations within such time as may be specified in the notice with the object of bringing the work into conformity with the said plans or provisions, as the case may be, or to appear before the Chairman and show cause why such alterations should not be made. According to him, the notice dated 17th June, 2026, is, in fact, a show cause notice.

4. Having regard thereto and considering the materials on record and also noting that the Chairman of the Municipality has exercised its jurisdiction and has taken steps under the provisions of Section 215 of the said Act, in my view, no interference is called for. At this stage since, the learned advocate for the petitioner

submits that the petitioner is interested to respond to the aforesaid show cause, let a response be filed by the petitioner to the aforesaid communication dated 17th June, 2026 captioned “demolition order notice” by treating the same as show cause notice within the meaning of Section 215 of the said Act within seven days from date. The show cause notice should be read along with the report dated 20th June, 2026.

5. In the event, response is filed by the petitioner within a period of seven days from date, the municipality shall take a decision thereon in accordance with the provisions contained in Section 215 of the said Act.

6. If on the basis of the response filed by the petitioner the Chairman of the municipality is of the view that the proceeding need not be proceeded further, he shall drop the proceedings or in the alternative if he finds that the explanation is not appropriate and there is illegal construction, appropriate proceedings under the provisions of Section 218 of the said Act shall be initiated. A decision in this regard must be taken by the Chairman of the Municipality within a period of two weeks from date by passing a reasoned order.

7. If circumstances require, proceedings under Section 218 of the said Act, the same shall be initiated within a period of four weeks from date and the same shall be brought to a logical conclusion on an expeditious basis, preferably within a period of sixteen weeks from the date of communication of this order.

8. Till a decision is taken by the Chairman of the Municipality in terms of Section 215 of the said Act, no further construction at the locale shall take place.

9. With the above observations and directions, the writ petition is disposed of.

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

(Raja Basu Chowdhury, J.)