

12.02.2026
sayandeep
Sl. No. 17
Ct. No. 03

WPA 16264 of 2024

Biswajit Kanrar
Vs.
The State of West Bengal & ors.

Mr. Sounak Mondal
Mr. Abhirup Halder
.....for the petitioner
Mr. Jayanta Das
..... for the municipality
Mr. Anand Farmania
Mr. Santanu Chakraborty
..... for the State

1. On 14th January, 2026, this Court was pleased to
pass the following order:

“Affidavit of service filed in Court is taken on record.
Report dated 13th January, 2026, filed in Court today by the municipality is also taken on record.
From the aforesaid report it would appear that the ‘wall’ between two houses, is in a dilapidated and dangerous condition and is tilting in such a way that the passage between the two houses has reduced to 2 feet only.
In response to a query of the Court as to what steps the municipality had taken to protect the life and property by securing the concerned wall the learned advocate for the municipality would seek time to take appropriate instruction in this regard.
Having regard thereto, let this matter stand over and appear under the same heading on 12th February, 2026.
On the returnable date, the municipal authorities must file an additional report indicating what steps have been taken by the municipal authorities to ensure that the life and property of the petitioner is not endangered and the concerned wall is secured.”

2. Pursuant to the aforesaid direction, the municipality has filed the copy of the instructions dated 29th January, 2026 and would submit that the notice under Section 223 of the West Bengal Municipal Act, 1993 has already been issued calling upon the person responsible that is the private respondent to repair the dilapidated and dangerous wall and/or to demolish such structure within 10 days from receipt of such notice.
3. The learned advocate for the municipality submits that since the private respondent has not taken any steps to rectify or remove the dangerous wall, the municipality would proceed in the matter.
4. Having regard to the stand of the municipality, I am of the view that nothing survives in the matter. Accordingly, the writ petition is disposed of by directing the municipal authorities to act in accordance with law and to take steps so that the wall which has tilted in between the two houses and in a dilapidated and in dangerous condition is restored by the municipality.

(Raja Basu Chowdhury, J.)