

18.02.2026
Ct. 3
Item No.
8
Saswata

WPA 16397 of 2025
Shamboo Hati
Versus
The State of West Bengal & Ors.

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chattopadhyay
Ms. Trisha Rakshit
Mr. Rajarshee Tah
Ms. Aishwarya Datta
Ms. Bidisha Chakraborty
Ms. Sadia Parveen

...For the petitioner

Mr. Md. Galib
Mr. Shamim Ul Bari

...For the State

Mr. Uttiya Ray
Mr. Atish Santra

...For the respondent no. 8

Mr. Subhasis Bandopadhyay

...For the Municipality

1. The instant writ petition has been filed, inter alia, complaining that an illegal construction has come up at holding no. 29 ward no. 34 under Burdwan Municipality.

2. It is the petitioner's case that notwithstanding the petitioner having made complaint with the municipal authorities as regards illegal construction being carried on by the private respondents, the municipal authorities had permitted the construction to go on.

3. Learned advocate appearing for the petitioner submits that the aforesaid construction interferes with the building rules and that the mandatory side open space has not been maintained. According to him, the building was also permitted to be used for commercial purpose in a residential area and the same is likely to create serious issues for the residents of the locality.

4. The municipal authorities are represented. Learned advocate appearing for the municipality submits that the

construction has commenced on the basis of a sanctioned building plan and the municipality is not aware whether the construction has been carried out in deviation of the sanctioned building plan.

5. Learned advocate appearing for the respondent no. 8, however, submits that the respondent no. 8 is not in any way connected with the construction of the project. Accordingly, the name of the respondent no. 8 should be deleted from the array of parties.

6. Having heard the learned advocates appearing for the respective parties and noting that a compliant of illegal construction has been made, I am of the view that at this stage, it shall only be prudent to direct the municipal authorities to carry out an inspection and on the basis of such inspection, if any illegal construction is noted, to take appropriate steps under Section 218 of the West Bengal Municipal Act, 1993 (hereinafter referred to as the “said Act”) in accordance with law.

7. It is also made clear that the inspection report must be circulated to the interested parties and if the municipal authorities are of the view that illegal construction has taken place, a reasoned order to such effect must be passed and communicated to the parties, following which the proceeding under Section 218 of the said Act must be initiated and be brought to a logical conclusion. The entire process must be completed within a period of 12 weeks from the date of communication of this order.

8. 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.)