

10.03.2026
Ct. 3
Item No.
AD 4
Saswata

WPA 18150 of 2025

**Sudhamoy Roy & Ors.
Versus
Barrackpore Municipality & Ors.**

Mr. Joydeep Acharya
Ms. Debapriya Mitra
Ms. Sanchari Upadhyay

...For the petitioners

Mr. Syamal Kr. Das
Ms. Krishna Yadav

...For the Barrackpore Municipality

Mr. Anirban Basu, Sr. Adv.
Mr. C. Biswas
Mr. Satyajit Senapati

...For the respondent nos. 2 & 3

Mr. Sounak Bhattacharya
Mr. Sounak Mondal

...For the respondent no. 4

1. The present writ petitioners claim themselves to be the owners of the residential building Mukti Apartment 27 and allege that the ground floor of the aforesaid building meant for parking space for two wheelers has been illegally converted into shops and godowns. Despite complaints being made no steps have been taken by the municipality.

2. On 25th September, 2025, this Court taking note of the submissions made by the parties and further noting that proceedings had already been started by the municipality against such illegal conversion had directed the same to be concluded.

3. Since then On 25th February 2026 when the matter came up for consideration this Court was pleased to passed the following order:

1. Today, the learned advocate for the municipality would submit that although the proceedings as directed by an order dated 25th September, 2025 has been completed and an order has been passed, however, the same is yet to be served on the parties. According to him, since the dealing clerk has remained absent due to eye treatment, service could not be completed, accordingly, he prays for an accommodation to produce the order on or before the returnable date and to complete service in the meantime.

4. At this stage, Mr. Bhattacharya, representing the respondent no.4, has placing before this Court a sanctioned building plan dated 22nd January, 2020 and would submit that the ground floor of the aforesaid building is earmarked for garage. He would also submit that on perusal of the sanctioned building plan, it would transpire that there are 5 shops which are earmarked in the plan along with two garages and two-wheeler parking space. The construction is in accordance with the above plan. Let a copy of the sanctioned building plan as placed before this Court be retained with the file.

*5. Accordingly and as prayed for by the municipality, let this matter stand over and appear under the same heading on **March 10, 2026.***”

4. Today, the learned advocate appearing for the municipality has placed before this Court a copy of the order of the Board of Councilors of the Barrackpore Municipality.

5. It is submitted that the aforesaid order has duly been forwarded to the person responsible including the respondent no. 4. Copy of such order has also been made over to the learned advocate appearing for the respondent no. 4 in Court today.

6. Since, the municipality has already taken a decision in the matter and since such order has already been served on the respondent no. 4 and since it would transpire from the aforesaid order that a decision has already been taken by the municipality thereby directing restoration of illegal conversion of two wheeler and car parking space to its original position, there would be no necessity to retain the matter in the file any longer.

7. At this stage, the learned advocate appearing for the respondent no. 4 would try to contend that the respondent no. 4 was not represented before the Board of Councillors, however, he could not controvert the fact that the common area, car parking space have been illegally converted to a godown. Further the order of the Board of Councillors also records that the respondent no.4 was heard. The order appears to be just and I do

not find any reason to doubt the justifiability of the above order.

8. Since the municipality has already passed an order I am of the view that the same should be implemented in accordance with law as expeditiously as possible preferably within 12 weeks from the date of communication of this order.

9. With the above observation and direction, the writ petition is disposed of.

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

(Raja Basu Chowdhury, J.)