

09.03.2026
sayandeep
Sl. No. ML 27
Ct. No. 03

WPA 19682 of 2025

Lipika Biswas
Vs.
The State of West Bengal & ors.

Ms. Malabika Saha	 for the petitioner
Ms. Sonal Sinha	 for the State
Mr. Subhabrata Das	
Mr. Mrinal Kanti Das	
Mr. Arindam Banerjee	 For the municipality
Mr. Shyamal Kr. Das	
Ms. Krishna Yadav	 For the private respondent

1. The petitioner in effect seeks to challenge the portion of the order dated 16th April, 2025 passed by the municipality to the extent the same observes the mezzanine floor and the second floor to the petitioner's premises to be unauthorized. On 25th November, 2025, when the matter was taken up for consideration, since Ms. Saha learned advocate representing the petitioner had submitted that the construction on the second floor is only of a the tin-shed though there was no statement in this regard in the writ petition, this Court had directed the municipality to file a detailed report. Such direction was passed since the sanctioned plan issued in favour of the petitioner recognized existence of a mezzanine floor.
2. Today, municipality has filed a report. Although, the learned advocate for the petitioner seeks to challenge

the findings in such report, I am of the view having regard to the factual issues involved, it shall not be prudent for this Court to entertain and pass orders in the present writ petition as the petitioner has an alternative remedy in terms of Section 218 sub-Section 3 of the West Bengal Municipal Act, 1993.

3. Accordingly, the writ petition is dismissed.
4. Dismissal of the writ petition shall not stand in the way of the petitioner from approaching the appellate authority in accordance with law. If such appeal is filed within a period of 4 weeks from date, the appellate authority shall hear out and dispose of the same on merits.

(Raja Basu Chowdhury, J.)