

WPA 20310 of 2025

Mr. Sunil Kumar Tiwari @ Sunil Tiwari
Versus
The State of West Bengal & Ors.

Mr. Partha Pratim Roy
Mr. Samrat Chakraborty
... For the petitioner

Mr. Debjit Mukherjee
Ms. Priyanka Jana
.... For the State

Mr. Dipanjan Datta
Mr. Subhajit Chowdhury
.... For the respondent No. 9

1. The affidavit-of-service filed in Court today is taken on record.
2. Alleging illegal construction and inaction on the part of the municipality to take appropriate steps, the present writ petition has been filed.
3. Despite service, the municipality is not represented. The private respondent and the State are present in Court.
4. Having heard the learned advocates appearing for the respective parties and noting that a representation has already been made by the petitioner as regards the alleged unauthorized construction in respect of RS plot No. 4307 corresponding LR plot No. 7424, Khatian No. 728 holding No. 21/1 Goswami Bagan Lane, ward No. 9 P.O. Sheoraphuli by the private respondent especially as regards violation of the sanctioned

building plan issued by the concerned municipality, I am of the view that the municipality must enquire into the matter, if necessary, by carrying out an inspection and by passing a reasoned order. If on the basis of the inspection, the municipality is of the view that there is any illegal construction, appropriate steps shall be taken under the provisions of the West Bengal Municipal Act, 1993. On the contrary, if no illegality is noted, the matter need not be proceeded further.

5. Since no affidavit-in-opposition has been called for, the allegations made in the petition are deemed not to have been admitted by the respondents.
6. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)