

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 22077 of 2025

**Kartick Pramanik & Anr.
Versus
Bidhannagore Municipal Corporation & Ors.**

For the petitioners	:	Mr. F.Haque
For the BMC	:	Mr. Arka Kumar Nag Mr. Tirthankar Dey Mr. S. Bandopadhyay
For the State	:	Mr. Sukanta Ghosh Mr. Argha Chatterjee
Heard on	:	15.06.2026.
Judgment on	:	15.06.2026.

Raja Basu Chowdhury, J (Oral):

1. The petitioners would complain that the Bidhannagar Municipal Corporation has been wrongly occupying the petitioners' property, notwithstanding the suit filed by the petitioners before the Barasat Court for declaration and injunction has been finally decreed and settled vide order passed in Title Appeal no. 03 of 2017 by the Court of the Learned Additional District Judge, 1st Court at Barasat, North 24 Parganas vide order dated 19th December, 2023.

- 2.** According to the learned advocate for the petitioners, though, a second appeal was preferred from the aforesaid judgment and decree, the same also stood dismissed. In support, reliance has been placed on the judgment dated 10th December, 2025 passed in SAT 112 of 2025. When this matter came up for consideration on 27th January, 2026, this Court having regard to the above disclosure and since at that stage, the State was not represented, noting the peculiar facts was pleased to direct the State of West Bengal represented by the Principal Secretary, Department of Land and Land Reforms and Refugee Relief and Rehabilitation to be added a party respondent in the present writ petition. There petitioners were accordingly directed to serve a copy of the amended petition on the office of the Learned Government Pleader and Mr. Nag, learned advocate who appeared on behalf of the Bidhannagar Municipal Corporation was directed to take appropriate instructions in the matter.
- 3.** Since then, the petitioners have caused service of the writ petition on the State. The matter appeared on 18th February, 2026, 25th February, 2026 and on 19th March, 2026. On all the aforesaid dates, on the prayer of the advocate for the State the matter was adjourned. Subsequently, on 5th May, 2026 since the State was not represented, the petitioners were directed to communicate the order to the Office of the Learned Government Pleader.
- 4.** Today, the matter has once again come up for consideration. The State is represented.
- 5.** Mr. Nag, learned advocate appearing for the Bidhannagar Municipal Corporation submits that the Municipality has already invested in the

infrastructure project which are meant for the locality. According to him, the Corporation is having two vital infrastructures at R.S. Dag no. 4631 and R.S. Khatian no. 432, Mouza - Krishnapur, JL No. 17, P.S.- Electronics Complex, Kolkata – 700102, Ward no. 28 namely, one pump house and an urban primary health centre. Having regard to the current stalemate situation, the municipality is on the verge of losing the land including the infrastructure projects.

- 6.** Although, the Municipality had written to the State and sought for advice including the advice of proceeding to purchase of land directly from the present owners as per the State's policy, the municipality is yet to receive any intimation from the State authorities. Copy of the letter dated 11th April, 2026 as placed before this Court by the Municipal authorities is taken on record. He also submits that at present the Board is defunct and an administrator has been appointed. It may be difficult for the administrator to take a decision in this matter.
- 7.** Having heard the learned advocates for the parties, considering the materials on record and having regard to the peculiar facts and noting that the municipality has already invested heavily in the infrastructure projects in respect of the property which has been decreed in favour of the petitioners, and the municipality despite preferring an appeal, has not been able to succeed upto this Court, I am of the view that the right of the petitioners cannot be set at naught simply because the municipality has invested in the development projects. If, the municipality seeks to deprive the petitioners' of their rights to property as protected under Article 300A of the Constitution of India, the

municipality must bear the costs therefor. In the instant case, the State has however, not filed any response. Noting the peculiar facts, I am of the view that at this stage it shall only be prudent to permit the municipality to correspond with the State having regard to the provisions contained under Section 385 of the West Bengal Municipal Corporation Act, 2006 which authorizes the municipality to acquire and hold moveable or immoveable properties or any interest therein within the area or outside the limits of the corporation area, for the purpose of calling upon the State to take appropriate action in this regard on their behalf. If the municipality is interested and chooses to acquire the same through the State, a request in this regard may be sent by the municipality to the State. It is made clear that the right to exercise such option must be with the municipality and such option should be exercised by the municipality within a period of three weeks from date.

- 8.** In the event, the municipality exercises such option having regard to the peculiar facts noted above, inter alia, including the fact that the municipality has already invested and constructed infrastructure facilities to cater to the needs of the municipal area, I am of the view that the State in such case must take an informed decision in the matter. In case, the State chooses to acquire the property, the State may negotiate the terms of outright sale with the petitioners as the learned advocate appearing for the petitioners while responding to the query of the Court has submitted on instructions that the petitioners are ready and willing to negotiate the terms of outright sale of the plot in question in favour of the State and the municipality. If, however, for

reasons beyond control of the parties, the same cannot be negotiated or the sale be completed, the State shall be at liberty to proceed with the acquisition. It is made clear that steps must be taken by the State within a period of 6 months from the date of communication of this order.

9. In default of the municipality in not taking any steps, the municipality will be obliged to return the land to the petitioners.

10. The above direction is being issued as I am of the view if the municipality has chosen to take away someone else's property, the municipality cannot be permitted to turn around and say that the decision in this regard must wait till the Board of Corporation takes charge. In the peculiar facts, the decision as to whether the municipality wants to retain its investment in the petitioners' property, especially when the petitioners have been deprived of the property which is protected under Article 300A of the Constitution of India, cannot wait for the Board to be reconstituted. While taking a decision, appropriate rental compensation shall also be taken in account.

11. With the above directions and observations, the writ petition is disposed of.

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.)

**Saswata
A.R. (Court)**