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18.02.2026
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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 22519 of 2025

Ashim Das
Versus
The State of West Bengal & Ors.
With

WPA 17899 of 2025

Dinanath Bansfore
Versus
The State of West Bengal & Ors.

Mr. Niladri Sekhar Ghosh
Ms. Laboni Sikdar
Mr. Souvik Dey
Mr. Subhrajyoti Hazra
... For the petitioner in WPA 22519 of
2025 and for the private respondent
in WPA 17899 of 2025

Mr. Debasish Das
... For the petitioner in WPA 17899
of 2025 and for the private
respondent in WPA 22519 of 2025.

Mr. Pinaki Bhattacharyya
... For the State in WPA
22519 of 2025

Mr. Suman Basu
... For the municipality.

1. Considered the office order prepared by the learned Registrar General dated 30th January, 2026.
2. The above writ petitions have been filed alleging illegal construction.
3. The municipality is represented in Court today and has filed two separate reports in the two writ petitions as directed by order dated 19th January, 2026, which are taken on record. Perusal of the aforesaid report

WPA 22519 of 2025

would demonstrate that an inspection was conducted on 30th January, 2026 by the inspection team, deputed by the Chairman of the municipality. Although in the case of WPA 17899 of 2025, the municipality could only carry out inspection of the property in question from the outside since, the petitioner's son and other members of the family in the said writ petition did not allow the inspection team to enter into the premises. However, in respect of WPA 22519 of 2025 the municipality had been able to carry out physical inspection. On the basis of the inspection carried out by the municipality, it transpires that there has been deviations of the building rules in respect of both the buildings constructed by the respective petitioners, i.e., in WPA 22519 of 2025 and WPA 17899 of 2025.

4. Learned advocate for the municipality would submit that since, the municipality could not carry out inspection of the entire building in respect of WPA 17899 of 2025, a further inspection is necessary.

5. Learned advocate representing the petitioner in WPA 17899 of 2025 would submit that inspection as aforesaid was conducted without prior notice to the petitioner and as such appropriate assistance could not be afforded to the municipal authorities.

6. Having heard the learned advocates appearing for the respective parties and noting from the report filed by the municipality that deviations have been noted by the municipal authorities though inspection in respect of the

premises of the petitioner in WPA 17899 of 2025 was incomplete, in my view, it shall only be appropriate at this stage to direct the municipal authorities to proceed with inspection in respect of holding no.384, Sodla Tank Road Bye Lane, Ward no.11, under Garulia Municipality upon prior notice to the petitioner in WPA 17899 of 2025. It is made clear that others may not be invited for the inspection, though the inspection report must be shared to the contesting parties.

7. On the basis of the inspection to be conducted by the municipality if it is found by the municipality that the same calls for initiation of proceeding under the provisions of Section 218 of the West Bengal Municipal Act, 1993, such decision must be communicated to the parties by passing a reasoned order and the proceeding so initiated shall be brought to a logical conclusion as expeditiously as possible, but not later than eight weeks from the date of initiation of such proceedings.

8. The entire process in this regard must be concluded by the municipality within a period of twelve weeks from the date of communication of this order.

9. Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

10. With the above observations and directions the writ petitions are disposed of.

Urgent photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)