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jdt. 13.01.2026
jb.

WPA 22462 of 2025
(Binayak Krishna Majumder vs. State of West Bengal & Ors.)

Ms. Papiya Chattopadhyay
.... For the Petitioner
Mr. Bhaskar Prasad Vaisya
Mr. Sagnik Chatterjee
.... For the State

Report submitted by the State is taken on record.

None appears for the Municipality despite service.

Learned counsel for the petitioner submits that the predecessor in interest of the petitioner filed a title suit against the private respondents being T.S. no. 86 of 1995 wherein the learned trial Court granted a decree in favour of the said predecessor declaring his title and possession in respect of the property and also that order of vesting of the property was illegal. Learned trial Court restrained the private respondents from interfering with the possession of the petitioner's predecessor. The petitioner subsequently stepped into the shoes of the predecessor. The petitioner alleges that the private respondents are raising construction by using the boundary wall of the petitioner as the common boundary wall of their property. A stop work notice has been issued by the municipality despite which the private respondents are continuing with their construction and threatening the petitioner with dire consequences. The petitioner seeks to approach the Municipality for redressal of his grievance. By an order

of this Court passed on 18th December, 2025 the police authority was directed to maintain strict vigil in the area and render necessary assistance to the petitioner as and when sought. Learned counsel for the petitioner submits that despite such order, the private respondents are continuing to threaten the petitioner with dire consequences.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the petitioner seeks to approach the municipality for redressal of his grievance, such liberty is granted.

In the meantime the police shall continue its surveillance in the area in order to avoid any untoward incident and shall also render necessary assistance/protection to the petitioner as and when sought.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)