

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23002 of 2025

Anjali Saha
Versus
The State of West Bengal & Ors.

Mr. Debasish Basu
Mr. Sajal Bhattacharya
Mr. Samrat Ghosh
Mr. Sabyasachi Howladar
... For the petitioner

Mr. Suman Sengupta
Mr. Sambuddha Dutta
Mr. Sanatan Panuja
.... For the State

Mr. Usaf Ali Dewan
Mr. Asif Dewan
... For the respondent No. 4.

1. Pursuant to the order dated 5th January, 2026 and 17th February, 2026, the added respondent has filed report in the form of an affidavit. Although the explanation provided by the added respondent for having previously not complied with the order, is not adequate, however, since the order has subsequently been complied with, this Court feels that it shall be proper at this stage not to proceed against the added respondent. However, this Court is of the view that in future the added respondent should be careful while carrying out directions passed by this Hon'ble High Court and should not in any way indulge or

carry out any act which undermines the majesty of the Court.

2. Insofar as the contents of the report are concerned, it would appear that the private respondent No. 9 had obstructed and prevented the added respondent from conducting detailed measurement and verification at the site and as a result, the officials were unable to complete the detailed measurement and verification process. However, taking an overall view of the matter, it transpires that the respondent No. 9 has constructed a boundary wall along with the temporary structure thereon which interferes with the elementary rights of the petitioner of air and light. The aforesaid construction appears to be without any sanction from the municipal authorities. Accordingly, this Court directs the municipal authorities to initiate proceedings under Section 218 of the West Bengal Municipal Act, 1993 and to bring such proceedings to a logical conclusion as expeditiously as possible preferably within a period of 8 weeks from the date of communication of this order.
3. As is apparent from the above and the previous orders, the respondent No. 9 has chosen not to cause appearance in the matter and has stayed away and has also not been cooperative with the added respondent. Having regard thereto, if the respondent No. 9 does not cooperate with the municipality

despite notice, the municipal authorities shall be at liberty to conclude the proceedings ex parte.

4. With the above observations and directions, the writ petition stands disposed of.

(Raja Basu Chowdhury, J.)