

09.03.2026
sayandeep
Sl. No. 04
Ct. No. 03

WPA 26267 of 2025

Amit Kar
Vs.
The HMC & ors.

Mr. Debjit Mukherjee
Mr. Kaustav Bhattacharya
Ms. Priyanka Jana
Ms. Shreejita Sen

..... for the petitioner

Mr. Sandipan Banerjee
Mr. Ankit Sureka

.... For the HMC

Mr. Bhagbat Chaudhuri
Mr. Subhajit De

.... For the private respondent

1. The present writ petition has been filed for a direction upon the municipal authorities to consider the petitioner's representation dated 10th November, 2025. It appears that the private respondent had previously filed a writ petition being WPA 5106 of 2025 alleging illegal construction at holding No. 25 Dakshinayan, Bakasara, P.S. Santragachi, Howrah at the behest of the petitioner herein.
2. The present writ petitioner had also filed another writ petition being WPA 8783 of 2025 challenging the order directing demolition of illegal and unauthorized construction in the above premises. Such writ petition was disposed of by an order dated 19th February, 2026 by setting aside the order of demolition dated 13th September, 2024. The present

writ petition has, however, been filed alleging illegal construction at the behest of the private respondent who was the petitioner in WPA 5106 of 2025. It, prima facie, appears that the present writ petition is a counterblast to the steps taken by the private respondent which had resulted in the demolition order to be passed, which has since been set aside.

3. Be that as it may, since a complaint has been lodged, it would be only be prudent at this stage to direct the municipality to enquire into the matter. In the event, the municipality decides to carry on any inspection, the petitioner shall not be invited to the same though the report thereof may only be circulated to the petitioner. In the event, municipality is of the view that if any illegal construction has taken place, the matter shall be proceeded further by passing a reasoned order. On the contrary, if the municipality is of the view that no illegal construction has taken place, the matter need not be proceeded further.
4. It is made clear that this Court has not gone into the merits of the case made out by the petitioner herein and it shall be open to the municipality to decide the same being uninfluenced by any of the observations made herein.
5. Since no affidavit has been called for, the allegations made in the writ 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.)