

17
10.02.2026
sb
Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 28418 of 2025

Gautam Paul
Versus
The State of West Bengal & Ors.

Mr. Ritoban Sarkar
Ms. Sreeja Mukherjee
Mr. Dipayan Dan
... For the petitioner.

Mr. Sougata Mitra
Mr. Rameswar Sinha
... For the State.

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh
Ms. Debolina Ghosh
... For the respondent nos. 2, 3 and 4..

1. Complaining illegal construction at holding no.47/2, Bhattanagar, Liluah, District- Howrah, 711 203, the instant writ petition has been filed.

2. Ms. Mukherjee, learned advocate appearing in support of the writ petition would submit that the petitioner is a resident of holding no. 48, Bhattanagar, Liluah, District- Howrah. The construction that is coming up at the instance of the private respondent no.6, on the adjacent plot is without keeping the requisite side open space between two buildings i.e. one belonging to the private respondent and the other of the petitioner. The petitioner has reason to believe that the above construction has been carried out *de hors* the provisions

of West Bengal Municipal Act, 1993 (hereinafter referred to as the “said Act”) and Rules framed there under. According to her, although complaints had been lodged with the municipality, the municipality has failed to take any steps.

3. Mr. Banerjee, learned advocate appears on behalf of the municipality. He is yet to receive any instruction in the matter.

4. Despite service, the private respondent is not represented.

5. Having heard the learned advocates appearing for the respective parties and noting that a complaint of illegal construction has been made out in the instant case, I am of the view it shall be appropriate to direct the municipality to carry out an inspection at the locale at the earliest upon notice to the parties and to take a decision on the petitioner’s complaints dated 6th November, 2025, 11th November, 2025 and 21st November, 2025, by giving an opportunity of hearing to the parties. The inspection report must be supplied to the parties. The inspection report must enclose coloured photographs of the locale. The decision as aforesaid must be by way of reasoned order and must be communicated to the parties within six weeks from the date of communication of this order.

6. Needless to note, if any illegal construction is noted, the municipal authorities should forthwith arrest the illegal construction and initiate appropriate proceedings under Section 218 of the said Act and bring

the same to a logical conclusion as expeditiously as possible preferably within a period of ten weeks from the date of detecting illegal construction. On the contrary if no illegal construction is noted the matter be not proceeded further.

7. 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 appearing respondents.

8. With the above observations and directions, the writ petition is 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.)