

09. 15.01.2026.
Court No.03.
(Pritam)

WPA 28534 of 2025.

Subrata Sarkar.

-Vs.-

State of West Bengal & Ors.

Mr. Amitesh Chakraborty.

.....for the petitioner.

Mr. Soumyajit Bhatta.

.....for the respondent no.2/Panihati Municipality.

1. The present writ petitioner has been filed, *inter alia*, praying for a direction upon the municipal authorities to consider the petitioner's representation that a construction of a 5-storied building has been taking place at 19, BT Road, Ward No.10, Panihati Municipality, and such construction is without any sanctioned building plan. It may be noted that previously a Co-ordinate Bench of this Court in WPA 28041 of 2024 dated 7th July, 2025 had directed the municipality to decide on the petitioner's representation in accordance with law within a period of 8 weeks from the communication of this order.
2. The learned counsel for the municipality today would submit that the above direction has not been complied with within the period as directed. However, the municipality has since issued a notice dated 9th

January, 2026, it appears that an inspection is scheduled this day and the date of hearing is also fixed. Taking into consideration the fact that the municipal authorities have already taken steps, in my view, no useful purpose will be served in keeping this writ petition pending.

3. Accordingly, I direct the municipal authorities to take a decision on the petitioner's representation in accordance with law as expeditiously as possible preferably within a period of 3 weeks from the date of communication of this order by passing a reasoned order. If on the basis of such order, the municipality is of the view that there has been an illegal construction, appropriate proceedings under the provisions of Section 218 of the West Bengal Municipal Act, 1993 shall be initiated and such proceedings shall be brought to a logical conclusion within 8 weeks thereafter. It is made clear that if the municipality is of the view that no illegal construction has taken place, the matter need not be proceeded further.
4. Considering the conduct of the municipality, it is directed that the periods mentioned above is peremptory.
5. Since no affidavit-in-opposition is called for, the allegations made in the writ petition is deemed not to have been admitted by the respondents.

6. This Court has also gone into the merits of the case and it shall be open to the municipality to take a decision being uninfluenced by any of the observations made herein.
7. With the above directions and observations, the writ petition stands disposed of.
8. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Hon'ble Court.

(Raja Basu Chowdhury, J.)