

Item No.12
12.02.2026
Court. No. 6
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

WPA 100 of 2026

Aruna Sarkar
VS
Siliguri Municipal Corporation & Ors.

*Mr. Sanjay Majumder,
Ms. Sukanya Adhikary,
Mr. Rahul Ghatak,
Ms. Ambalika Ghatak*

...for the Petitioner.

*Mr. Bijoy Bikram Das,
Mr. Deborshi Dhar*

...for the SMC.

*Mr. Ajay Singhal,
Mrs. Heena Yasmin Shaikh*

...for the Opposite Party No.4.

1. It appears that both the parties are dissatisfied with the order passed by the Commissioner of the Siliguri Municipal Corporation.
2. While the petitioner submits that the deviations pointed out were minor and protection of the circular issued by the Urban Development Department, Government of West Bengal dated December 4, 2023 will be applicable, the learned advocate for the respondent no.4 submits that the municipal corporation is trying to protect the petitioner by not pointing out that two additional floors had been constructed, although the sanction was granted for a G+1 construction. Further

contention is that the petitioner had extended the construction beyond the sanction and covered all the spaces without leaving any open space as per the building rules.

3. The learned advocate for the corporation submits that the notification of the Urban Development Department cannot be applied in the case of the petitioner. There are constructions beyond those minor deviations for which regularization cannot be permitted.
4. However, as the allegation of the respondent no.5 is far more serious than what transpires from the order passed by the Commissioner, the order impugned is set aside. Fresh inspection shall be held by the commission along with an engineer, to ascertain the nature of construction and the deviations from the plan, including the allegation of construction of additional floors. Such inspection shall be held in the presence of the petitioner. The parties shall be entitled to be accompanied by their respective learned advocates. The inspecting team will comprise of an executive engineer of the municipal corporation. The signatures of the parties will be obtained in the minutes to be prepared at the site during inspection. A report shall be prepared and handed over to the parties. The parties will respond to the

said report. Parties will be called for a hearing and allowed to make their oral submissions, adduce documentary evidence and file written version in support of their respective claim. Thereafter, a reasoned order shall be passed, based on all the records. If it is found that there are violations or deviations from the sanction plan, the municipal corporation will demolish the unauthorized construction upon giving notice to the petitioner to remove the illegal or unauthorized portions herself and if the petitioner fails to do so within the time stipulated by the corporation.

5. Accordingly, the writ petition is disposed of.
6. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)