

23.03.2026
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**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

WPA 448 of 2026

**Ramkrishna Seva Sadan
Vs.
Siliguri Municipal Corporation & Ors.**

Mr. Momenur Rahman,
Mr. Sumit Kumar.
...for the Petitioner.

Mr. Bijay Bikram Das,
Ms. Deborshi Dhar.
...for the Siliguri
Municipal Corporation.

1. The petitioner has preferred the present writ petition seeking writ of mandamus directing the concerned respondents to grant permission to the petitioner under Section 273A of the West Bengal Municipal Corporation Act, 2006 (hereinafter referred to as the said Act) for change of use of the second floor of the building of the petitioner from residential to commercial.

2. Learned Counsel for the petitioner states that he has been running a nursing home from the 1st and 2nd floors of the building. It is submitted that a complaint was lodged against the petitioner and subsequently WPA 929 of 2024 (*Sri Satya Ranjan Dutta Vs. Siliguri*

Municipal Corporation & Ors.) was filed before this Court.

3. In compliance with the order passed by this Court dated 14.05.2024, the Commissioner, Siliguri Municipal Corporation passed an order dated 20.05.2025, whereby the petitioner was restrained from using the second floor of the building for commercial purposes namely for running of the nursing home. In compliance with the order passed by the Commissioner, Siliguri Municipal Corporation, the petitioner vide letter dated 21.5.2025 informed the concerned authority that he had immediately stopped commercial activities on the second floor of the building and would not undertake any commercial activities from the second floor of the said building without proper approval or sanction from the Corporation.

4. Subsequently, the petitioner vide representation dated 04.06.2025 to the Commissioner, Siliguri Municipal Corporation sought change of the land use and permission in terms of Sections 273 and 273A of the said Act to use the second floor of the building for commercial purposes instead of residential purposes.

5. Learned Counsel for the petitioner states that no decision has been taken on the said representation dated 04.06.2025.

6. Learned Counsel for the respondent states that the authority is ready and willing to consider the petitioner's representation dated 04.06.2025.

7. Learned Counsel for the petitioner states that his client shall be satisfied that if the said representation is decided within a time bound manner.

8. Considering the rival submissions advanced by the learned Counsel for the parties and perusing the materials on record and without entering into the merit of the claim of the petitioner, this Court directs the Commissioner, Siliguri Municipal Corporation to decide the petitioner's representation dated 04.06.2025 within a period of eight weeks from the date of communication of this order by way of passing a speaking order after granting an opportunity of hearing to the petitioner as well as any other stakeholder.

9. It is made clear that this Court has not expressed any opinion on the merit of the claim of the petitioner and that the Commissioner,

Siliguri Municipal Corporation, shall be at liberty to decide the representation dated 04.06.2025 of the petitioner in accordance with law and the applicable rules.

10. With the aforesaid directions, the present writ petition stands disposed of.

11. Since no affidavits have been called for, all allegations made in the writ petition shall be deemed to have been denied.

(Gaurang Kanth, J.)