

Form J(2)
Sl.No.43
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In the High Court at Calcutta
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

WPA 661 OF 2026

Krishna Prasad Chhetri

Vs.

The Siliguri Municipal Corporation & Ors.

For the petitioner : Mr. Debanjan Das, Adv.
Ms. Sukanya Bhaumik, Adv.
Mr. Samrat Acharya, Adv.

For the Respondent Nos. 1 to 3

: Mr. Bijoy Bikram Das, Adv.
Mr. Deborshi Dhar, Adv.

Heard on : May 11, 2026

Judgment on : May 11, 2026

[In Court]

Aniruddha Roy, J. :

1. Affidavit of service filed in Court today, is taken on record.
2. Mr. Debanjan Das, learned Advocate appears for the petitioner.

3. Mr. Deborshi Dhar, learned Advocate led by Mr. Bijoy Bikram Das, learned Advocate appears for the respondent nos. 1 to 3.
4. None appears for the rest of the respondents.
5. The petitioner complains of an alleged unauthorized and illegal encroachment and construction over a public land at the behest of the private respondent nos. 6 and 7. The petitioner has submitted a representation dated **February 10, 2026, Annexure-P2 at page 14** to the writ petition, no heed has been paid thereto by the jurisdictional authority.
6. Mr. Deborshi Dhar, learned Advocate submits that, the subject land belongs to the Public Works Department (PWD) and the jurisdictional municipal authority has got nothing to do with it.
7. In view of the above, the respondent no.2 through its delegated competent representative, upon a **prior notice** of at least **seven days** to the petitioner and the private respondents shall hold a joint inspection of the land where the alleged unauthorized construction is made with reference to the existing land records.
8. If necessary, the jurisdictional **BL&LRO** shall produce the relevant land records during the inspection at the request of the respondent no.2.
9. The respondent no.2 then shall prepare a report and furnish the same before the petitioner and the private respondents.

10. In the event, the alleged encroachment is found on the land of the jurisdictional municipal authority then, the respondent no.2 shall take all consequential steps in accordance with law for removal of the alleged encroachment and unauthorized construction but positively within a period of ***four weeks*** from the date of the said report.
11. In such scenario, the jurisdictional local police authority shall render all necessary assistance to the respondent no.2, if required.
12. In the event, it is found that, the alleged unauthorized encroachment and construction is on the land of the Public Works Department, then the respondent no.2 is not required to take any further step and in that event the petitioner shall be at liberty to take steps in accordance with law.
13. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.
14. A copy of today's order shall be served upon the respondent no.2, the private respondents and the jurisdictional local police authority.
15. With the above observations and directions the instant writ petition, ***WPA 661 of 2026*** stands disposed of, without any order as to costs.

16. Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)