

Form J(2)
Sl.No.7
Sc

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 777 OF 2026

Anirban Sarkar & Anr.
VS.

The Siliguri Municipal Corporation & Ors.

For the petitioners : Mr. Ratan Banik, Adv.
Mr. Saptarshi Banik, Adv.
Mr. Bishwa Raj Agarwal, Adv.

For the Respondent Nos. 1,2 & 3/ SMC
: Mr. Bijoy Bikram Das, Adv.
Mr. Deborshi Dhar, Adv.

Heard on : May 21, 2026

Judgment on : May 21, 2026

[In Court]

Aniruddha Roy, J. :

1. Affidavit-of-service, filed in Court today, is taken on record.
2. Mr. Saptarshi Banik, learned Advocate appears for the petitioners.

3. Mr. Deborshi Dhar, learned Advocate appears for the respondent nos. 1 to 3.
4. Petitioners complain of an alleged unauthorized and illegal construction at the subject premises at the behest of the private respondent nos. 4 and 5.
5. Petitioners have submitted a representation dated **April 28, 2026, Annexure-D, at page 25** to the writ petition. The authority has not paid any heed thereto.
6. Considering the submissions made on behalf of the parties and on perusal of the materials on records following directions are made:
 - a) The respondent no.2 upon issuing a **prior** notice of clear **seven days** to the petitioners and the private respondent nos. 4 and 5 shall inspect the subject premises in the light of the existing sanctioned building plan and shall prepare a report in this regard;
 - b) The report shall be served upon the petitioners and the private respondents positively within **three days** from holding the physical inquiry of the **entire** premises;
 - c) For the purpose of physical inquiry, respondent no.2 shall be free to depute a competent and appropriate authority from his office to cause an inquiry;
 - d) In the event, the said inspection report speaks of any unauthorized construction **anywhere** in the **entire** premises,

the respondent no.2 upon giving a **prior** hearing notice of clear **three days'** to be issued upon the petitioners and the private respondent nos. 4 and 5, shall grant an opportunity of hearing to the parties and then shall pass a reasoned order in accordance with law. This exercise shall be completed **positively** within **two weeks** from date of the said inspection at the premises.

- e) The said reasoned order then shall be communicated to the petitioner and the private respondent nos. 4 and 5 within **three working days** from the date of the said reasoned order to be passed.
- f) In the event, the reasoned order confirms unauthorized construction **anywhere** in the premises, the respondent no.2 shall take immediate steps for removal and demolition of the unauthorized construction at the subject premises in accordance with law.

- 7. In the event, at any stage of the proceeding any police assistance is required by the respondent no.2, it shall be free to take police assistance upon prior intimation to the jurisdictional police station and in that event the jurisdictional police station shall render all necessary assistance to the respondent no.2.
- 8. It is needless to mention that, if at any stage any of the parties avoids to receive notice or the reasoned order, the authority shall be free to

proceed to take steps for removal of unauthorized construction, if any, in accordance with law but positively within a period of **two weeks** from the date of communication of the said reasoned order.

9. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.
10. The petitioners shall serve a copy of today's order upon the private respondent nos. 4 and 5 forthwith.
11. With the above observations and directions this writ petition, **WPA 777 of 2026** stands disposed of, without any order as to costs.
12. Parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)