

Item No.94
13.02.2026
Court. No. 6
(gc)

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

WPA 1457 of 2025

Shekhar Agarwal
Vs.
The State of West Bengal & Ors.

Mr. Dibyendu Chatterjee,
Ms. Reshmi Ghosh,
Mr. Deborshi Dhar,
Ms. Parna Ghosh,
Ms. Taniya Bhowmik

...for the Petitioner.

Mr. Joyjit Choudhury, Ld. A.A.G.,
Mr. Nabankur Paul

...for the State.

1. None appears on behalf of the respondents.
2. The State respondent is only represented.
3. The petitioner alleges unauthorized construction by the respondent Nos.5 and 6. The Darjeeling Municipality was directed to file a report. The time to file such report was also extended. Yet, no report has been filed and none appears to represent the Municipality.
4. Under such circumstances, the writ petition is disposed of with a direction upon the competent authority of the Darjeeling Municipality to treat the writ petition as a complaint of the writ petitioner in respect of the unauthorized construction allegedly made by the respondent

Nos.5 and 6. It is made clear that the Municipality will not go into the question of title but only ascertain as to whether the respondent Nos.5 and 6 have constructed Premises No.4 (formerly No.3) Swami Prabhudananda Road, Ward No.9 (formerly No.7) District – Darjeeling, PIN-734101 without any sanction and contrary to the rules. Although, the petitioner claims ownership, the Municipality is not required to go into such question. All that the Municipality has to ascertain is whether the construction complained of is illegal and unauthorized or not. While deciding the matter, the Municipal authority will hold an inspection of the construction in question. An Executive Engineer will accompany the inspection team. All the parties shall be present during such inspection. The Municipality will prepare a report and serve such report upon the parties. Signature of the parties will be obtained on the minutes which will be prepared at the spot. The parties will be allowed to file their written versions and adduce both oral and documentary evidence in support of their respective claims. A hearing shall be given to them and a final order shall be passed. If it is found that the petitioner's allegation regarding unauthorized construction is correct, then steps shall be taken in accordance with law, including

demolition of unauthorized structure. If the person responsible for such construction does not demolish the same pursuant to any direction by the Municipality, the Municipality will demolish the same.

5. The entire exercise shall be completed within a period of 12 weeks from the date of communication of this order.
6. It is made clear that this Court has not gone into the merits of the allegation of the petitioner.
7. The Municipality is vested with the power under the law to take appropriate steps in case of any unauthorized construction and, as such, the writ petition is disposed of with the above directions.
8. There shall be no order as to costs.
9. The parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)