

Item No.5
20.02.2026
Court. No. 7
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI*

MAT 99 of 2025
With
CAN 1 of 2025
In
WPA 2295 of 2025

Naresh Roy
VS
The State of West Bengal & Ors.

*Mr. Debasish Mukhopadhyay,
Mr. Amritam Mondal,
Mr. Anirban Banerjee,
Mr. Soumyajit Laskar,
Ms. Payel Chanda*

...for the Appellant.

*Mr. Pretom Das,
Mr. Abhishek Sen*

...for the Municipality.

*Mr. Kamal Krishna Banerjee,
Mr. Satyaki Basu*

...for the Respondent No.4.

*Mr. Nabankur Paul,
Mr. Pradip Sarkar*

...for the State.

1. We have considered the order impugned before us.

The appeal is directed against an order dated November 18, 2025, passed in WPA 2295 of 2025 by a learned Single Judge of this Court.

2. The writ petition was dismissed on the ground that the dispute between the parties appeared to be private in nature. We find that WPA 2295 of 2025 was filed on an allegation that the respondent no.4 had constructed the building without any sanction and by encroaching the road, which was contrary

to the building rules. On the submission made by the respondent no.4 that the residential building had been constructed 30 years ago, the writ petition was dismissed by the learned Single Judge, inter alia, holding that the same as a filed on counter-blast to WPA 2239 of 2025, in which the respondent no.4 had alleged unauthorized construction.

3. The learned Single Judge was of the view that the dispute was completely private in nature. Having regard to the age of the structure, the Court was not inclined to pass any order.
4. The writ petition had been filed for a direction upon the municipality to consider the representation of the appellant in which he had alleged that the construction of the respondent no.4 was unauthorized.
5. On the very submission of the respondent no.4 that the building was 30 years old, the writ petition could not have been dismissed, upon holding that the same involved a private dispute. Moreover, even 30 years ago a party was required to take a sanction before construction. Thus, the writ petition should have been heard on merits.
6. Under such circumstances, we believe that this is a fit case, in which the writ petition has to be heard afresh on the observations that have been made by us. As a last chance, affidavit-in-opposition will be

filed by the respondents within a period of three weeks from date before the learned single judge. The order impugned is set aside. The writ petition is remanded for fresh hearing.

7. Accordingly, the appeal and the connected application are disposed of.
8. The writ petition will appear in the list before the appropriate Bench in the next circuit commencing in the month of March, 2026. The learned Single Judge is requested to dispose of the said writ petition urgently.

(Shampa Sarkar, J.)

(Smita Das De, J.)