

ML 46
06.05.2026
sayandeep
Ct.3.

WPA 3301 of 2024

Debabrata Bandyopadhyay
Versus
The State of West Bengal & Ors.

Mr. Sumit Ray
Mr. S. Naskar

... For the petitioner.

MIR Amaruzzman

... For the municipality

Mr. Gouranga Kr. Das

.... For the pvt. Respondent

1. The petitioner asserts that the respondent Nos. 7 and 8 claiming to be owners of certain plot of land situated at Mouza- Gokhara (Malir Bagan), JL No. 22, LR Khatian No. 475, RS and LR Dag No. 137, P.S. Sonarpur, District-South 24 Parganas had constructed a one storied building on the aforesaid plot which is situated at the eastern portion of the petitioner's property situated at 177, Gorkhara -A, (Malir Bagan), Ward No. 11, Rajpur-Sonarpur Municipality, P.S. Sonarpur, District-South 24 Parganas.
2. According to the petitioner, the private respondent in the year 2020 had constructed a high voltage electric line by encroaching on the 6 ft wide common passage whereupon the petitioner was compelled to lodge a complaint with the municipal authorities. According to the petitioner, on the

WPA 3301 of 2024

complaint being made, the private respondents did not take any further action until mid June, 2024 when the private respondents started construction on the roof of the building without obtaining any sanctioned and or permission from the municipal authorities. Though the matter was filed on 8th February, 2024 and has since appeared twice on 8th December, 2025 and on 21st January, 2026, the learned advocate for the municipality is yet to receive instructions in the matter.

3. Having heard the learned advocates appearing for the respective parties, I am of the view since the complaint has been lodged, at this stage, it shall be prudent to direct the municipality to carry out an inspection and take a decision on the petitioner's complaint as expeditiously as possible preferably within a period of 4 weeks from the date of communication of this order. It is made clear that on the basis of the decision to be taken by the municipality in the form of a reasoned order, if the municipality is of the view that there is any illegal construction, appropriate proceedings under Section 218 of the West Bengal Municipal Act, 1993 shall be initiated within 2 weeks thereafter. Since affidavits have not been invited, the allegations made in the writ petition

WPA 3301 of 2024

are deemed not to have been admitted by the respondents.

4. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)