

AD 08  
07.05.2026  
sayandeep  
Ct.3.

**WPA 9477 of 2026**

Putul Saha  
Versus  
The State of West Bengal & Ors.

Ms. Shruti Mukhopadhyay  
Ms. D. Karmakar  
..... for the petitioner

Mr. Indranuj Dutta  
Ms. Benazir Sk.  
Mr. subrata Bhattacharya  
.... For the respondent Nos. 7-8

1. The present writ petition has been filed complaining illegal construction at the behest of the private respondent Nos. 7 and 8 and the failure of the part of the municipal authorities to arrest illegal construction. The petitioner claims to be the absolute owner of a bastu land measuring 1145 sq.ft. or 1.59 Kattah, lying and situated at CS/RS Dag No. 1566 under Mouza-Birbhanpur, JL No. 91, at Rishi Aurobindo Pally Street No. 3, Durgapur-1, P.O-Durgapur, P.S. Coke Oven, Paschim Bardhaman.
2. The petitioner would complain that the private respondents who are his neighbours have been constructing on the adjacent plot. Recently, the private respondents have encroached the common passage in between the petitioner's property and that of the private respondent and has constructed a staircase thereon. In support of his

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aforesaid contention, a photograph appearing at page 32 has been relied on by the advocate for the petitioner. Though the municipality is not represented, the private respondents are represented.

3. The learned advocate for the private respondents would submit that no new construction has taken place and the construction that is on the private respondents' property has been carried out on the strength of a sanctioned plan issued on 26<sup>th</sup> December, 2006.
4. Having heard the learned advocates appearing for the respective parties and upon going through the photographs attached and considering the materials on record prima facie, it would transpire that construction materials are lying on the site. It is also apparent and clear from the photographs annexed that new staircase is being constructed.
5. In the circumstances aforesaid, I direct the municipal authorities to forthwith carry out an inspection at the locale and file a report before this Court. The report should enclose coloured photographs of the site/locale. It is made clear that if any illegal construction is detected, the municipality shall forthwith arrest the same.
6. Pendency of the writ petition shall not stand in the way of the municipal authorities from

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initiating proceedings if the municipality is of the view that any illegal construction is taking place.

7. The report in this regard may be filed before this Court when the matter is taken up next.
8. List this matter on 16<sup>th</sup> June, 2026.
9. The petitioner is directed to communicate this order on the non-appearing respondents.

**(Raja Basu Chowdhury, J.)**