

20.05.2026

**DL-29
Ct. No. 03
Srimanta**

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 9751 of 2026

**Radhe Shyam Banka & Ors.
-Vs.-
Burdwan Municipality & Ors.**

Mr. Abhrajit Mitra, Sr. Adv.,
Mr. Aritra Basu,
Mr. Sourojit Dasgupta,
Mr. Abhishek Jain,
Mr. Sourav Thakur

...for the petitioners.

Mr. Subhasis Bandopadhyay

...for the Burdwan Municipality.

1. The Municipality has filed a report and as per the aforesaid report it would transpire that an inspection was carried out. The same reveals that the petitioners herein had filed an application for new holding in respect of L.R. Plot Nos. 212, 214, 507 and 1351, J. L. No. 75 at Ichlabad Mouza at G.T. Road East End Mahalla under Ward No. 10 of Burdwan Municipality. According to the report it would also transpire that since the entrance/access of the proposed new holding was extremely narrow and the entire plot is a marshy land, the same

was being used as a catchment area of rain water along with the other foul water discharged by the surrounding inhabitants for a long time. The above issue was also discussed with the petitioners. The petitioner's representative has also given as undertaking that the LR plot 215 which is connecting the G.T. road South and North, will be kept open to the sky having unrestricted right of use as a road/pathway/passage to the other plots and the holding number was allotted on the basis of this undertaking.

2. Having regard to the aforesaid disclosure and the undertaking disclosed and since Mr. Mitra, learned Senior Counsel appearing for the petitioners would agree in terms of the aforesaid undertaking to cooperate with the Municipal Authority for the purpose of setting up of a drainage, for removal of the waste water, I am of the view that a proposal in this regard may be given by the petitioners along with a plan, in an affidavit when the matter is taken up next. Mr. Mitra would however, submit that there is an adjoining public drain, and as such he seeks leave to pump out the accumulated foul/waste water to the public drain under the supervision

of the municipality. The learned Advocate for the Municipality does not raise any objection. Having regard to the aforesaid, I am of the view that the petitioners may remove/pump out the foul/waste water to the adjoining drain without causing any hindrance to the neighbours and to any other person in the locality and/or without in any way inundating the locality with the waste water. It is made clear that the petitioners shall keep the Municipality and the local Police Authorities informed and shall execute the job under the direct supervision of the Municipality. For the said purpose the petitioners may apply before the municipality in writing. If such application is made, the Municipal Authority shall depute Sub-Assistant Engineer to supervise such work.

3. List this matter under the same heading on 16th June, 2026.

(Raja Basu Chowdhury, J.)