

11.08.2026
Sls. 8 & 9
Sk, ct.652

WPA 12394 of 2025
(CAN 4 of 2025, CAN 5 of 2026, CAN 6 of 2026)
Biplap Bikash Mitra
Vs.

The State of West Bengal & Ors.
With
WPA 26809 of 2024
Biplab Bikash Mitra
Vs.
The State of West Bengal & Ors.

Mr. Rabindra Narayan Dutta
Mr. Sibasis Ghosh
Mr.Arkoday Mukherjee
....for the petitioner.

Mr. B. K. Singh
Mr. Barun Ghosh
....for the State

Mr. A. Kankani
Mr. Suryaneel Das
Ms. Jayita Dhar Chakraborty
....for the Bidhannagar Municipality.

Mr. Satyam Mukerjhee
Ms. Debomita Biswas
...for the respondent nos. 10 & 11.

1. The appearance column of name of Bikash Singh for the State (Item No. 1) be substituted with B.K.Singh.
2. The allegation of the petitioner is praying about the illegal construction being made by the private respondent over Plot No. 253/459 in Mouza-Chandiberia, Ward No. 21, which the petitioner has claimed to be his own property.
3. The other allegations against the Municipal Authority are of sanction of post-facto building plan without sanction of site plan in accordance with the Rules.

4. Further it is alleged that the sanction of building plan has been granted without notifying the petitioner/i.e. the owner of the property and without causing any enquiry.
5. Also that the respondent nos. 8 and 9 has made unauthorized and illegal construction by encroaching over the public road.
6. Mr. Dutta, learned advocate for the petitioner has submitted that the respondents by themselves have accepted to have brought up illegal and unauthorized construction and pursuance to the same and a report which may be sought for from the respondent/Municipal Authority, this Court may proceed to pass an order of the demolition of the alleged illegal construction.
7. Mr. Dutta has further raised a point that the law is now well-settled with respect to that an undivided and un-participated property, no building plan can be sanctioned, without notifying one of the co-sharers.
8. All the parties are represented.
9. According to the private respondent, it is not brought knowledge of the petitioner of his own i.e. 254 in the same Mouza, a building is being constructed in accordance with the sanction plan.
10. On behalf of the State respondent, learned advocate has denied and disputed the allegations raised by the petitioner against the construction made by his client.
11. The Municipal Authority is represented by Mr. Kankani, learned advocate. It is submitted on behalf of the State respondent that after conducting full fledged survey of the

concern lands, the Municipal Authority may take appropriate steps in accordance with the law, in case unauthorized and illegal construction is formed over there, as alleged.

12. Having heard all the learned advocates for the respective parties and perusing the materials on record, it is found proper to dispose of the instant writ petitions by directing the respondent no.3/the Municipal Commissioner, Bidhannagar.

13. The writ petition is disposed of by directing as follows:-

- i) Let the writ petitioner submit a comprehensive representation before the respondent authority, i.e. the respondent no. 3/the Municipal Commissioner, Bidhannagar Municipal Corporation espousing his grievance and remedy sought for;
- ii) Let the respondent no. 3/Municipal Commissioner conduct field survey through the responsible Officer and the Professional Surveyor, in presence of the petitioner and/or his representative and the private respondents and/or their representatives, in respect of Plot No. 253/459 and 254 in Mouza Chandiberia;

iii) Let the respondent no. 3/Municipal Commissioner, Bidhannagar Municipal Corporation decide as regards the alleged illegality or demolition as stated by the petitioner and other prayers of the petitioner in his comprehensive representatives on the basis of the field survey report and other materials as it may think to consider fit and proper;

iv) Needless is to mention that in case after due consideration the said respondent opines about illegality or unauthorized construction being brought up as alleged by the petitioner, appropriate steps under the statute shall immediately be taken up by the said respondent for demolition of unauthorized construction, if any;

v) Let the exercise as directed above be concluded by the respondent no.3/the Municipal Commissioner, Bidhannagar Municipal Corporation within a period of eight weeks from the date of communication of copy of this order.

14. The writ petition being WPA 12394 of 2025 and WPA 26809 of 2024 along with pending applications are disposed of.

15. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rai Chattopadhyay, J.)