

25.09.2025
Item No.120
Court No.551.
AB

W. P. A. 18150 of 2025

**Sri Sudhamoy Roy & Others
Vs
The Barrackpore Municipality & Others**

Mr. Joydeep Acharya,
Ms. Debapriya Mitra for the Petitioners.

Mr. Syamal Kr. Das,
Ms. Krishna Yadav for the Municipality.

1. Affidavits of service filed in Court today are taken on record.
2. The petitioners, who claim to be owners of flats in a building named “Mukti Apartment-27”, have approached this Court by way of the instant writ petition complaining that the respondent municipal authorities have taken no action against unauthorized conversion of a portion of a parking space, meant for parking of two wheelers in the said building, into shops and godowns by the respondent no.4.
3. It is alleged that the said respondent no.4 has upon effecting such conversion sold the said shops and godowns to the respondent nos.4 to 7.
4. None appears for the respondent nos. 4 to 7 despite service.

5. Learned Advocate appearing for the petitioners takes this Court through the sanctioned plan and submits that it would be apparent from the sanctioned plan, that an area of 87.50 sq. meters was earmarked for common space for parking two wheelers. However, instead of that, not only has a lesser area been kept in the building for such parking space but a portion thereof has also been converted into shops and godowns by the respondent no.4 and has been sold to the respondent nos.5 to 7.
6. It is further alleged that immediately upon filing of the writ petition and service of a copy thereof, the respondent-municipal authorities have issued a notice calling upon the petitioners and the private respondents for a hearing. However, on the date of hearing, i.e. on August 12, 2025, the developer i.e. the private respondent no.4 did not appear.
7. Today also, the respondent nos. 4 to 7 are not before this Court.
8. The petitioners seek leave to bring the notice dated August 8, 2025, issued by the Chairman, Barrackpore Municipality and the representation made by the petitioners to the Barrackpore Municipality, in Court by way of a supplementary affidavit.

9. Such leave is granted and the supplementary affidavit filed in Court today bringing on record the aforesaid documents is taken on record.
10. The petitioners are directed to serve a copy of the supplementary affidavit along with the notice to the non appearing respondents. It is recorded that a copy of the supplementary affidavit has already been handed over to the learned advocate appearing for the Municipal Authorities.
11. Since the municipal authorities have already issued a notice of hearing, such hearing shall be conducted by the municipal authorities and legally sustainable conclusion shall be reached by the municipal authorities upon hearing all concerned, notwithstanding the pendency of this writ petition.
12. Learned Advocate appearing for the Municipality submits that they shall be taking appropriate steps to conduct the hearing upon issuing further notices to the parties.
13. In the meantime, the petitioners shall serve a further notice on the non-appearing respondents intimating them that this matter shall be taken up next one week after reopening of the Court after the puja vacation. List this

matter two weeks after reopening of this Court
after the puja vacation.

(Om Narayan Rai, J.)