

M/L 12
05.01.2026
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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19123 of 2025

Nirmala Bhakat & Anr.
Versus
The Midnapore Municipality & Ors.

Mr. Avijit Ghoshal
... For the petitioners.

Mr. Sujay Bandyopadhyay
Mr. Subhamoy Dutta
.... For the respondent nos. 1 to 3

Mr. Tirthankar Dey
... For the State.

Mr. Tushar Sinha Mahapatra
... For the respondent nos. 7, 8 and 9

1. Affidavit of service filed in Court is taken on record.
2. Challenging the order dated 25th April, 2024, passed by the Chairman, Midnapore Municipality on behalf of the Board of Councillors, the instant writ petition has been filed.
3. Prima facie, it would transpire that a construction has come up on the petitioner's property by erecting a tin shed which has been made by the order of the District Magistrate, Paschim Medinipur. A M.S. gate was also erected which interfered with the ingress and egress of the petitioners to their property, which was later removed. The order impugned records that the construction is not illegal as the same had been done with the sanction of the District Magistrate and not by the private respondents.

4. Having regard to the above, I direct the District Magistrate, Paschim Medinipur to file a report in the form of affidavit before this Court to demonstrate under what authority any such direction was issued by the office of the District Magistrate to construct upon the petitioners' property.

5. Let such report in the form of affidavit be filed on or before the matter is taken up next.

6. Let this matter appear for further consideration under the same heading in the daily supplementary list on 28th January, 2026.

7. As prayed for, the private respondents shall be at liberty to rely on the documents of title in relation to the property in question.

8. The petitioners are directed to communicate this order to the respondent no.5 and to file an affidavit of service to that effect when the matter is taken up next.

(Raja Basu Chowdhury, J.)