

09.02.2026
sayandeep
Sl. No. 11
Ct. No. 03

WPA 25963 of 2025

Sri Nadiram Halder & anr.
Vs.
State of West Bengal & ors.

Mr. Arijit Sarkar
Mr. Sagnik Chatterjee

.....for the petitioners

Mr. Sabyasachi Mondal
Mr. A.S. F. Karim
Mr. Srthak Dey
Ms. Payel Dey

..... for the respondent No. 5

1. The matter has a checkered history. Previously, the parties had approached this Court and had filed individual writ petitions being WPA 23507 of 2023 and WPA 21374 of 2024. By an order dated 2nd September, 2024, a co-ordinate Bench of the Court upon hearing the parties and noting that a representation has been made on 9th March, 2023 before the Chairman, Diamond Harbour municipality to reconsider the prayer for sanction of the first floor building plan in respect of the petitioner in WPA 21374 of 2024 had disposed of the writ petition by directing the municipality to consider application for the sanction of the first floor and the allegation of the unauthorized construction of the Western side of the building made by the respondent no.8 in such petition in accordance with law.
2. Pursuant to the order, the municipality had passed an order on 21st April, 2025 inter alia, holding that the

allegation of unauthorized construction by keeping a gap of only 1 ft. between the two buildings cannot be resolved by the municipality as there is a boundary dispute. Insofar as consideration of the representation for sanction of building plan of first floor is concerned, it was observed since the ground floor building was not validly constructed, there was no question of the municipality sanctioning the first floor by showing existing construction at the ground floor level. There is no challenge to the aforesaid observations made by the municipality. The writ petitioner would, however, submit that the private respondent notwithstanding the above direction and without any sanctioned plan has proceeded with the construction of a boundary wall without leaving any side space and is also raising illegal construction on the first floor of the building forming subject matter of the writ petition being WPA 23507 of 2023 and WPA 21374 of 2024. A complaint has also been made by the petitioner to the municipal authorities.

3. The municipal authorities are not represented in Court despite service. Learned advocate for the private respondent would, however, submit that no construction work has been carried out by the private respondent.
4. Having regard to the submissions made in Court today, I direct the municipality to carry out an

inspection at the locale and to file a report before this Court when the matter is taken up next.

5. The police authorities must ensure that no construction takes place at RS plot No. 226 corresponding to LR plot No. 324 within ward No. 6 of the Diamond Harbour municipality till further orders of this Court. The police authorities are also directed to file a report when the matter is taken up next,

6. List this matter in the **combined monthly list of April, 2026.**

(Raja Basu Chowdhury, J.)