

31.03.2026
DL-12
Ct. No. 03
Srimanta

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 29583 of 2024

Faqrudin Ali Ahmed Mondal
-Vs.-
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal)

...for the petitioner.

Mr. Mrityunjoy Goswami,

Ms. Kalpita Paul

...for the State.

Mr. Shahan Shah,

Mr. Soumen Barman

...for the respondent no. 7.

Mr. R. N. Chakraborty,

Mr. R. Singh,

Ms. Mohana Das

...for the Mahestala Municipality.

1. Report filed by the Mahestala Municipality is taken on record. Upon going through the aforesaid order it transpires that the Chairman of the Board of Councillors has directed restoration of water bodies in respect of Plot Nos. 1076, 1079, 1421, 1420, 1419 of Mouza – Panchur, J.L. No. 03 vide its order dated 28th February, 2025.

2. Mr. Chakraborty, Learned Advocate for the Municipality, however, could not elucidate as to whether the Municipality was competent to embark upon an enquiry touching the jurisdiction of the BL & LRO. He, however, prays for an accommodation to place before this Court relevant notification.
3. Having regard thereto, let this matter stands over and appear on 28th April, 2026.
4. Further taking into consideration that the matter was filed alleging unauthorized construction, the above direction appears to be *prima facie* beyond the scope of consideration by the Municipality. Accordingly, the said order need not be enforced for the time being.
5. Let it also be placed on record that according to the private respondent no. 7 the writ petition has been filed by suppressing the pending civil suit between the petitioner and the respondent no. 7 and a subsisting order of *status quo* passed by the Court of the learned Civil Judge (Senior Division), 3rd Court, Alipore in Title Suit No. 253/2021.

(Raja Basu Chowdhury, J.)