

Sl. No.54.
24.07.2026
sanjib
Ct.10.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

WPA 1098 of 2026

**Panna Lal Gupta
Vs.
The State of West Bengal & Ors.**

Mr. Arinban Banerjee
Mr. Sandeep Dutta

....for the petitioner

Mr. Abhhijit Raha
Ms. Somdutta Patra

....for the State

Mr. Ajay Singhal
Ms. Heena Yasmin Shaikh

...for the respondent nos.3

Mr. Bijoy Bikram Das
Ms. Taniya Bhowmik

...for the SMC

This application under Article 226 of the Constitution of India is directed against an order of the Commissioner, Siliguri Municipal Corporation dated 30th June, 2026. By the said order, the Commissioner, Siliguri Municipal Corporation directed the petitioner to immediately cease the unauthorized commercial use of the ground floor of the subject premises and to dismantle or remove all the unauthorized portions which are contrary to the sanction building plan dated 11th June, 1988 within the time limit specified in the said order.

The order of demolition, however, does not specify which portions are to be demolished.

On a query of this Court, the learned advocate appearing for the Siliguri Municipal Corporation, in his usual fairness, submits that no demolition sketch plan has been prepared

indicating the portions which are in violation of the sanction plan and should be demolished.

The learned advocate appearing for the private respondent submits that an inspection was carried out upon notice to the petitioner and the private respondent and the inspection report specifically speaks about the unauthorized construction.

Be that as it may, without a demolition sketch plan, the exact portions which are to be demolished cannot be identified. The order of demolition in its present form is vague and cannot be executed.

For such reason, this Court is inclined to interfere with the order impugned insofar as the direction passed by the Commissioner, Siliguri Municipal Corporation in the order dated 30th June, 2026 directing demolition or dismantling of all unauthorized portion contrary to the sanction building plan dated 11th June, 1988, is concerned.

It is, however, made clear that the portion of the order directing the petitioner to cease the unauthorized commercial use of the ground floor of the subject premise and the default clause indicated therein are not interfered with by this Court.

Accordingly, the order of the Commissioner, Siliguri Municipal Corporation directing the petitioner to demolish/dismantling all unauthorized portions which are contrary to the sanction plan dated 11th June, 1988 within a specified time limit, is set aside and quashed.

Siliguri Municipal Corporation is directed to proceed afresh in accordance with law after preparation of a demolition

sketch plan and supplying a copy of the same to the respective parties.

The writ petition is allowed in part.

Needless to mention that the authorities of Siliguri Municipal Corporation shall take a final decision by passing a reasoned order afresh after affording an opportunity of hearing to the respective parties and in accordance with law.

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

(Hiranmay Bhattacharyya, J.)