

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23811 of 2025

Swapan Kumar Dutta & Ors.
Versus
The State of West Bengal & Ors.

Mr. Kamalesh Jha
Ms. Nabanita Chatterjee
Md. Raihen Islam
... For the petitioners.

Mr. Avinash Kankani
Mr. Anish Kumar Mukherjee
... For Bidhannagar Municipal Corporation.

1. Challenging the order passed by the Commissioner, Bidhannagar Municipal Corporation dated 25th September, 2025, the instant writ petition has been filed.

2. Though, Mr. Jha, learned advocate representing the petitioners would submit that the petitioners were not heard by the authorities before passing the order dated 25th September, 2025, I find that previously a demolition order was passed against the petitioner on 23rd August, 2025. Challenging the said order the petitioners had approached this Court in a writ petition which was registered as WPA 19085 of 2025. The aforesaid writ petition was disposed of by an order dated 26th August, 2026. Records would reveal that the petitioners have constructed a three storied building at Premises No. 448/A, Nabapally, Salt Lake, Sector-IV, Police Station –

Bidhannagar South, Kolkata – 700098. The order dated 26th August, 2026, records that it was submitted on behalf of the petitioners that the entire acquisition of the premises as well as the construction of the three storied building was in accordance with the sanctioned plan and duly authorized by law. It is still further recorded that the petitioners initially alleged that the State had sought to acquire the premises under the provisions of the Land Acquisition Act, 2013. Subsequently, the petitioners received a notice of illegal and unauthorized construction at the subject premises. Complaining failure of principles of natural justice, the previous writ petition was filed. The petitioners complained of non-receipt of notices as well as adequate opportunity to defend the case before the corporation. It is in the peculiar facts, the Coordinate Bench of this Court was of the view that the petitioners should be directed to produce the original of the sanctioned plan in respect of the subject premises along with photocopy thereof for the respondent corporation to adjudicate upon the illegal and unauthorized construction. Accordingly, the order impugned dated 23rd August, 2025 was set aside and the petitioners were granted liberty to appear before the Corporation and the Commissioner of Bidhannagar Municipal Corporation was directed to complete such exercise by granting an opportunity of hearing to the petitioners. The aforesaid order further records that in such hearing, the petitioners

have undertaken to be represented and produce copy of the sanctioned plan.

3. Mr. Jha, learned advocate appearing for the petitioners by drawing attention of this Court to an e-mail communication addressed to the Bidhannagar Municipal Corporation dated 4th September, 2025 at 6:11 p.m. would submit that through the hearing fixed on 4th August, 2025 at 5:00 p.m. was before the Commissioner, Bidhannagar Municipal Corporation the written submission was forwarded by e-mail since, the receiving section of Bidhannagar Municipal Corporation was closed at the time of hearing. He further submits that the petitioners were not given adequate opportunity of hearing. In any event, it is submitted that the respondents are interested in the property belonging to the petitioners and a meeting has been held between the petitioners and the respondent authorities offering the petitioners an alternative plot.

4. Having heard the learned advocates appearing for the respective parties I find that the instant petition is confined to challenge to a demolition order passed by the municipal authorities. It is not in dispute that pursuant to the order passed by a Coordinate Bench of this Court on 26th August, 2025, the petitioners were afforded with an opportunity of hearing. The order passed by the authorities does not appear to be perverse. Although, Mr. Jha, would submit that the municipal authorities in the garb of implementing the demolition order is seeking to

evict the petitioners from the property, I am of the view that the law does not sanction such a course. The demolition order if implemented can at best demolish the illegal building, however, the same cannot evict the petitioners from their property.

5. In the peculiar facts, this Court is not inclined to entertain the writ petition.

6. The aforesaid order shall also not interfere with the rights of the petitioners to challenge the order by filing a statutory appeal in accordance with law if so advised. In this context it may be noted that Mr. Kankani, learned advocate representing the municipal authority has submitted that Municipal Building Tribunal appointed under Section 295A of the West Bengal Municipal Corporation Act, 2006 is functional.

7. Accordingly, with the above observations and directions, the writ petition is disposed of.

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

(Raja Basu Chowdhury, J.)