

Form J(2)
Sl.No.38
Sc

In the High Court at Calcutta

In the Circuit Bench at Jalpaiguri

Constitutional Writ Jurisdiction

Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

WPA 1024 OF 2026

Mani Trust

Vs.

The State of West Bengal & Ors.

For the petitioner : Mr. Deborshi Dhar, Adv.
Ms. Rimita Subba, Adv.
Ms. Sushmita Biswakarma, Adv.

For the Respondent State: Mr. Arijit Ghosh, Sr. G.P.
Mr. Alok Sah, Adv.

For the Respondent Nos. 9 to 11: Mr. Ujjwal Luksom, Adv.

For the Respondent No.13: Mr. Saurav Ganguly, Adv.
Ms. Rishita Chakraborty, Adv.

Heard on : August 10, 2026

Judgment on : August 10, 2026

[In Court]

Aniruddha Roy, J. :

1. Mr. Deborshi Dhar, learned Advocate appears for the petitioner.
2. Mr. Arijit Ghosh, learned Senior Government Pleader with Mr. Alok Sah, learned Advocate appears for the respondents State.

3. Mr. Ujjwal Luksom, learned Advocate appears for the Kalimpong Municipality.
4. Mr. Saurav Ganguly, learned Advocate appears for the private respondent no.13.
5. The petitioner alleges unauthorized and illegal construction at the behest of the private respondent no.13. The petitioner has submitted a detailed legal notice/representation dated **December 10, 2025** at **page 103** to the writ petition before the jurisdictional municipality and the same is yet to be considered.
6. A coordinate Bench by its order dated **July 8, 2026** has recorded the submission of the municipality that, it had already issued a stop work notice against the said alleged unauthorized construction.
7. The private respondent submits that, it has a valid sanctioned plan.
8. Be that as it may, after considering the rival contentions of the parties and on perusal of the materials on record, the following directions are made :
 - a) The respondent no.10 upon issuing a prior hearing notice of at least **seven days** to the petitioner, the respondent no.13 and the respondent no.8 and after granting them an opportunity of hearing shall dispose of the representation of the petitioner dated **December 10, 2025** at **page 103** to the writ petition by passing a reasoned order in accordance with law;

- b) The entire exercise shall be carried out and completed by the respondent no.10 positively within **five weeks** from the date of communication of this order;
- c) The respondent no.10 by delegating an experienced, responsible and appropriate officer shall first cause a physical inspection of the alleged construction upon notice to the petitioner, respondent no.13 and respondent no.8 and shall prepare a report and serve copy of the report to such parties and then shall proceed to conduct the hearing;
- d) It is needless to mention that, the parties at the time of hearing may refer to a copy of the writ petition;
- e) The hearing shall take place in the light of the existing records;
- f) In the event, the alleged unauthorized and illegal construction is confirmed, the municipality shall take all consequential steps in accordance with law forthwith but positively within a period of **four weeks** from the date of the said reasoned order to be passed;
- g) In the event, any assistance is sought for, the local police authority shall render all necessary assistance to the municipality;

9. It is made clear that, this Court has not gone into the merits of the rival contentions of the parties and all points are kept open for the

parties to urge before the respondent no.10 relying upon whatever records and documents they want to rely upon.

10. It is made clear that, this order shall not create any right or equity in favour of the petitioner in the event it is found that the petitioner is not eligible to his claim or any portion of his claim strictly in accordance with law.

11. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

12. With the above observations and directions this writ petition **WPA 1024 of 2026** stands **disposed of**, without any order as to costs. .

13. Parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)