27.11.2026
Ct. No. 6
Sl. No.8
akd

In the High Court at Calcutta
Circuit Bench at Jalpaiguri

W. P. A. 3064 of 2026

[Narendra Kumar Karki -Vs- The State of West Bengal & Ors.]

Dr. Arjun Chowdhury
Ms. Sunayana Parveen
Ms. Riya Agarwal
Mr. Subhadeep Jha
... ... for the petitioner

Mr. Ujjwal Luksom
Mr. Sandipan Das
... for respondent nos.3, 4 & 5
[Kalimpong Municipality]

Mr. Ajay Singhal
Mrs. Heena Yasmin Shaikh
... ... for respondent no. 7

Mr. Samar Rakshit
Ms. Tamana Kar
... ... for the State

1. Affidavit-of-service filed in Court today is taken on record.

2. The petitioner has preferred the present writ petition seeking, inter alia, a direction upon the respondent-Kalimpong Municipality to initiate and conclude proceeding under Sections 218 and 220 of the West Bengal Municipal Act, 1993 read with the West Bengal Municipal (Building) Rules, 2007, in respect of the alleged unauthorised construction of the fifth floor at the premises of the respondent no. 7 situated at R.C. Mintri Road, Kalimpong including demolition thereof.

3. Learned counsel for the respondent nos. 3, 4 and 5 (Kalimpong Municipality) has handed over a copy of the order passed by the Administrator, Kalimpong Municipality dated 26.11.2026 wherein in Clause 18 it is recorded that

the extended portion has already been declared unauthorised under Sections 220 and 218 of the West Bengal Municipal BM Act, 1993. The Municipality shall issue a demolition order in respect of the said unauthorised portion. The Municipality has sought three months time to demolish the unauthorised construction.

4. The report filed by the Administrator, Kalimpong Municipality dated 26.11.2026 is taken on record.

5. In view of such report filed by the Kalimpong Municipality, nothing survives for adjudication in the present writ petition since the grievance of the petitioner regarding initiation and conclusion of the proceeding under Sections 218 and 220 of the West Bengal Municipal Act, 1993 read with the West Bengal Municipal (Building) Rules, 2007, stands addressed.

6. The respondent-Kalimpong Municipality shall adhere to the decision taken by them on 26.11.2026.

7. The respondent no. 7 is at liberty to avail his remedies as available in accordance with law.

8. With the aforesaid directions, the present writ petition is disposed of.

9. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)