

Form J(2)
JPD Sl.No. 32
Moumita

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 1569 OF 2026

Neela Dey @ Lila Dey

Vs.

The State of West Bengal & Ors.

For the Petitioner : Mr. Sudipto Kr. Mazumder, Sr. Adv.
Mr. Mayank Bhandari, Adv.
Mr. Satyajit Paul, Adv.

For the State : Mr. Shubhankar Dutta, JGP.
Ms. Somdutta Patra, Adv.

Heard on : August 14, 2026.

Judgment on : August 14, 2026.

[In Court]

Aniruddha Roy, J. :

Facts:

1. Mr. Satyajit Paul, learned Advocate led by Mr. Sudipto Kumar Mazumder, learned Senior Advocate appears for the petitioner.

2. Mr. Subhankar Dutta, learned Advocate appears for the State along with Ms. Somdutta Patra, learned Advocate.
3. None appears for the Siliguri Municipal Corporation. Mr. Pradip Chatterjee, learned Advocate who normally appears for the said Municipal Corporation is present in Court, is requested to hold the brief to assist this Court in the matter. His appearance shall be regularized by the appropriate authority of the Municipal Corporation forthwith. Copy of the writ petition has been served upon him.
4. Private respondents are not represented.
5. The petitioner alleges unauthorized construction on the subject premises at the behest of the private respondents, who are incidentally the brothers of the writ petitioner. The petitioner has submitted representation dated **June 13, 2026 annexure p-3 at page 24** to the writ petition, which has not yet been considered by the Municipal Corporation.
6. In view of the above, following directions are passed:
 - (a) *Petitioner shall serve a copy of this writ petition along with a copy of today's order upon the respondent no. 4, private respondent nos. 5 and 7 forthwith.*
 - (b) *The respondent no. 4 then after issuing a prior notice to the petitioner and the private respondents shall cause a physical inspection of the alleged unauthorized construction on the subject premises and shall prepare a report. The report shall be submitted to the petitioner and the private respondents thereafter.*
 - (c) *This exercise shall be carried out positively by the respondent no. 4 within a period of **four weeks** from the date of communication of this order.*

(d) *The respondent no. 4 then upon issuing a prior hearing notice of **at least seven days** to the petitioner and the private respondents and after granting them an opportunity of hearing shall dispose of the said representation dated **June 13, 2026**, in the light of the case made out of the writ petition and on the basis of the existing records and sanctioned plan, by passing a reasoned order in accordance with law.*

(e) *The reasoned order shall be passed by the petitioner and the private respondents positively within **one week** from the date of the said reasoned to be passed.*

7. If the reasoned order confirms unauthorized construction then the respondent no. 4 and/or any other appropriate authorities shall take an immediate step in accordance with law but positively **within four weeks** from the date of the said reasoned order to be passed.
8. It is made clear that, this Court has not gone into the merits of the rival contentions of the parties.
9. The petitioner and private respondents shall be at liberty to urge their respective points before the respondent no. 4 by relying upon whatever records and documents they wish to rely upon.
10. It is made clear that, this order shall not create any right or equity in favour of any of the parties, if they do not succeed to their respective claims, strictly in accordance with law.
11. Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.
12. With the above observations and directions, this writ petition **WPA 1569 of 2026** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)