26th November,
2026
(AK)
06

WPA 28037 of 2025

Somnath Mondal
Vs.
Uttarpara Kotrung Municipality and others

Mr. Samiran Mondal
Mr. Nitish Samanta
Mr. Agniya Mandal
Ms. Shreyashee Mitra
...for the petitioner.

Mr. Dipak Kumar Mukherjee
Mr. Rajib Mukherjee
...for the Uttarpara Kotrung Municipality.

Mr. J.K. Mandal
Mr. S. Rakshit
...for the respondent no.5.

1. Heard learned counsel for the parties.

2. The learned counsel for the Uttarpara Kotrung Municipality files the report in the form of affidavit in terms of the earlier direction given by this court.

3. From the report, it appears that after hearing the parties, the Board of Councillors has passed an order dated October 31, 2025 directing demolition of the unauthorized construction raised by the petitioner.

4. It further appears that the said order is absolutely unreasoned one and the same is not sustainable in law.

5. Learned counsel for the Municipality submits that the order is appealable.

6. Since the order is absolutely unreasoned one, the objection with regard to existence of alternative remedy would be illusory in the instant case as absence of reasons amounts to patent and flagrant violation of the fundamental principles of natural justice and the writ petition will fall within the exceptions carved out in cases of existence of alternative remedy.

7. Thus, the writ petition is maintainable.

8. The order dated October 31, 2025 passed by the Board of Councillors of Uttarpara Kotrung Municipality and the consequent notice dated November 8, 2025, both are quashed and set aside.

9. The Municipality shall be at liberty to proceed for hearing the parties afresh in respect of the construction-in-question strictly in accordance with law.

10. With these directions, WPA 28037 of 2025 is disposed of.

11. There will be no order as to costs.

12. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sandip Kumar De, J.)