06.10.2026
Court No. 12
Item No. 8
Sandip

MAT 1621 of 2026
With
CAN 1 of 2026

Dr. Rupa Majumdar & Anr.
Vs.
The State of West Bengal & Ors.

Dr. Ruby Majumdar
Dr. Rupa Majumdar ... Appellant nos. 1 & 2 (in person).
Mr. Billwadal Bhattacharyya, Ld. AAG,
Mr. Sunny Nandy
...for the State.
Mr. Avinash Kankani,
Mr. Anish Kumar Mukherjee
...for the BMC.
Mr. Ananda Basu (VC),
Mr. Subhankar Dutta
...for the private respondent.

1. A disputed question is involved with regard to the correctness of the report of the Bidhannagar Municipal Corporation. This cannot be decided by us.
2. The appellants contend that the learned single Judge did not appreciate that the report of the Bidhannagar Municipal Corporation was full of errors and untrue facts.
3. The appellants submit that the construction of the private respondent will cause and has already caused serious structural damage to the house of the appellants, so much so that the foundation of the appellants' house has become weak.

4. Certain photographs have been annexed to the writ petition in support of such contentions.

5. However, we find from the report of the Executive Engineer, Bidhannagar Municipal Corporation that, there was no sign of structural damage or major cracks in the building of the appellants. There were some minor cracks which appeared to have developed due to the age of the building.

6. The appellants contend that such report should not be accepted by the Court because Bidhannagar Municipal Corporation is in connivance with the private party. This issue cannot be decided by us at this interim stage.

7. Under such circumstances, we are of the view that these disputed questions require hearing upon appreciating exceptions to be filed by the appellants. The appellants shall file their exceptions to the report before the learned Single Judge.

8. The matter will be heard by the learned writ Court. The matter should not be referred to mediation at this stage as the appellants are unwilling to participate in the mediation.

9. According to the appellants, until the exceptions to the report are filed and the matter is decided by the writ Court, reference to mediation is premature.

10. We set aside only the direction of His Lordship to refer the matter to mediation and the remaining part of the order is upheld.

11. It is made clear that the private party shall not cause any damage or destruction to the house of the appellants.

12. Accordingly, the appeal and the connected application are disposed of.

13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)