

**Circuit Bench of Calcutta High Court
at Jalpaiguri**

¹³
sm 16.07.
2019

WPA 199 of 2019

**Anip Saha & Another
Versus
Siliguri Municipal Corporation & Ors.**

Mr. Joyjit Choudhury,
Mr. Rohit Agawal,
Mr. Ajoy Singhal.
....for the petitioners.

Mr. Kumar Shantanu.
....for the respondent nos. 1 to 4.

The primary grievance of the petitioner in this writ petition is that there has been no consideration of his reply dated 24th September, 2015 (Annexure P-6 at page 36) by the Commissioner, Siliguri Municipal Corporation, the respondent no.1 herein. In this writ petition the petitioner has also challenged a demolition notice dated 15th May, 2019 (Annexure P-11 at page 42). In the impugned notice the Commissioner has also referred to earlier notices dated 7th September, 2015 and 15th September, 2017 respectively issued by the Commissioner inter alia, complaining of wrongful and illegal construction by the petitioner.

It is submitted on behalf of the respondents that in the interregnum the petitioner has unlawfully and illegally constructed an additional floor without any authority of law. The respondents have also furnished photographs to prove the alleged illegal construction

made by the petitioner. The respondents have submitted that they have no objection if the Commissioner is directed to consider the reply of the petitioner which had been filed as far back on 24th September, 2015.

In view of the submission made on behalf of the parties, I am of the view that the Commissioner being the respondent no.1 is directed to consider the representation made on behalf of the petitioner (being the reply to the earlier notice issued by the Commissioner dated 17th June, 2015 and 7th September, 2015).

It is needless to mention that the Commissioner will pass a reasoned order and give a right of hearing to the petitioner within six weeks from the date of communication of this order and will furnish a copy of the order within three weeks from the date of passing of the order.

It is made clear that I have not gone into the merits of the controversy and Commissioner is at liberty to decide the issues raised without being influenced by any observation made in this order.

W.P.A.199 of 2019 stands disposed off.

There will be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, shall be given to the parties upon compliance of all formalities.

(Ravi Krishan Kapur, J.)