

17.12.2020

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**W. P.A. 13256 of 2019
(Via Video Conference)**

Nemai Chandra Panja & Anr.
Vs.
Durgapur Municipal Corporation & Ors.

Mr. Gopal Ghosh
Mr. Debpratim Banerjee
... For petitioners.

Mr. Sandipan Banerjee
... For DMC.

Petitioners say, they are retired employees of Durgapur Steel Plant and have built their houses on plots allowed to them by their employer, through a co-operative. On the northern side of their houses there is vacant land. Mr. Ghosh, learned advocate appears on behalf of petitioners and draws attention to communication dated 29th May, 2018 made by Durgapur Steel Plant Town Services Department, Land Section to the co-operative, who had granted 'No Objection Certificate' (NOC) to improve the vacant land to be a children's park. By said communication, the NOC stood cancelled. Addressee co-operative has not complied with direction, made in the communication, to restore the land. Hence his clients are before Court to compel the restoration.

Durgapur Municipal Corporation, being respondent no. 5 goes unrepresented. Affidavit-of-service is filed showing good service.

The Corporation is directed to enquire and ascertain whether private respondent obtained sanction or permission to develop the vacant land, pursuant to the NOC. In event permission was obtained, the Corporation will enforce development as per permission issued. In event permission was not obtained, the NOC standing cancelled, the Corporation will forthwith initiate demolition proceedings regarding the wall and any other structure that may have been put up by private respondent. The Corporation will do either, enforce development as per their permission issued or initiate demolition proceedings, within three weeks from date of communication of this order. Follow through must be made expeditiously.

It goes without saying that the Corporation will be entitled to request assistance from the Police. On request, the assistance is expected to be rendered.

The writ petition is disposed of.

(Arindam Sinha, J.)