

04.03.2021
SL No. 15
Court No.24
(P.M.)

WPA 3344 of 2020
Mohan Lal Agarwal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Surya Prasad Chattopadhyay,
Mr. Arjun Samanta
... for the petitioners

Mr. Surojit Dasgupta
... for the respondent No. 9

The writ petition was filed by the petitioner on 18th February, 2020 praying for a direction upon the Kolkata Municipal Corporation for proper adjudication of the D Case No. 08-D/VIII/19-20 with regard to the premises No. 8/1B, Hazra Road, Ward No. 72, Borough VIII, Kolkata – 700026.

During the pendency of the writ petition an order has been passed by the Special Officer (Building), Kolkata Municipal Corporation and direction has been passed for demolition of certain portions of the said building.

The order dated 27th February, 2020 passed by the Special Officer (Building) was communicated by the petitioners by a communicating letter dated 25th February, 2021.

The petitioners are aggrieved by the order passed by the Special Officer (Building).

It will be open for the petitioner to challenge the order passed by the Special Officer (Building) before the appropriate forum, in accordance with law.

The petitioners contend that the order has been passed by the Special Officer (Building) without giving him an opportunity of hearing to place his case and without giving him any chance to rely upon the documents that are required for the purpose of defending his case. The petitioner shall be entitled to raise all these points before the Tribunal, if so advised.

It is made clear that this Court has not entered into the merits of the impugned order of demolition and all points are left open to be decided by the Tribunal, in accordance with law.

WPA 3344 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)