

22nd December, 2021
(D/L No.18)
(SKB)

WPA 20835 of 2021
(Via Video Conference)

Onex Housing LLP and another
Vs.
Asansol Municipal Corporation and others

Mr. Arindam Banerjee,
Mr. Nikhilesh Mittal
... for the petitioners.

Mr. Santanu Chatterjee
... for the Corporation.

Mr. Probal Mukherjee
... respondent no.6.

Affidavit of service filed in Court today is taken on record.

The petitioners are aggrieved by an order of demolition dated 1st December, 2021 issued by the Executive Engineer, Asansol Municipal Corporation.

Learned counsel appearing for the petitioners places Section 266(3) of the West Bengal Municipal Corporation Act, 2006 (hereinafter referred to the 'Act') which provides that any person aggrieved by an order of the Commissioner can prefer an appeal against such order to the Mayor.

The Corporation and the private respondent are represented.

Learned counsel appearing for the private respondent submits that the petitioners have been undertaking illegal construction.

Upon hearing learned counsel for the parties, it appears that the impugned order dated 1st December, 2021 was received by the petitioners on 11th December, 2021. The order indicates that the demolition would be carried out within 15 days from the date of receipt of the copy of the order. If this be the case, the demolition would start from 26th December, 2021. Admittedly, the Office of the Mayor of the Corporation is presently vacant by reason of the on going elections.

W.P.A.20835 of 2021 is accordingly disposed of with a direction on the petitioners to approach the Appellate Authority under Section 266(3) of the Act. In the meantime, the concerned respondents are restrained from taking any steps in terms of the impugned notice until 15 days after the Mayor of the Corporation assumes office. It is made clear that the petitioners shall also maintain the state of affairs as existing as of today.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)