

30.07.2021
Court No. 19
Item no.J-4
sn

WPA No. 1102 of 2021

THE COMMITTEE FOR DEVELOPMENT OF
PROPERTIES, REPRESENTED BY ITS CHAIRMAN &
ANOTHER VS. THE COOCH BEHAR MUNICIPALITY
& ORS.

(via video conference)

Mr.Debabrata Dhar
Mr. Prodyot Kumar Roy
..for the petitioners
Mr. Jagriti Mishra
..for the respdts.1-3

..

The petitioners allege that at the time of demolition of the old structure existing on holding no. 446, H.N. Road, Ward No.18, some officials of the Cooch Behar Municipality resisted the demolition. It is the contention of the petitioners that the petitioners entered into a development agreement with the respondent no.6. A building permit was granted by the Chairman of the Cooch Behar municipality for construction of a residential building on the aforesaid premises.

It is the contention of the petitioners that once such permission has been granted, the municipality did not have any authority to resist the demolition of old dilapidated structure, inasmuch as, without such demolition, construction of the new building would not be possible.

It appears that the municipality was given an intimation on June 22, 2021 with regard to commencement of the work. It is urged that once the demolition process started, the municipality resisted the demolitions.

Mr. Mishra, learned advocate appearing for the municipality submits that the allegations are misconceived and unless the petitioners violated the plan, the question of resistance did not arise. However, the records do not reveal that the petitioners have been trying to raise a building, contrary to the permission/sanction.

Having considered the rival submissions of the respective parties, this writ petition is disposed of granting liberty to petitioners to approach the appropriate authority of the Cooch Behar municipality, ventilating their grievances.

The competent authority of the municipality shall dispose of such representation upon hearing the petitioners. The petitioners will be allowed to place their documents before the said authority in support of their contentions.

This Court is of the opinion, that if the petitioners have been given permit to construct a residential building upon demolition of old dilapidated building, such demolition cannot be disallowed unless there is infraction of law or

violation of the permission given by the municipality.
A reasoned order shall be passed and communicated
to the petitioners.

The entire exercise shall be completed within a
period of four weeks from the date of receipt of the
application of the petitioners.

This writ petition is disposed of.

There will be however no order as to costs.

Parties are directed to act on the basis of the
server copy of this order.

(Shampa Sarkar, J.)