

Sl. No. 24
29.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 5608 of 2022

Rama Shankar Gupta
Vs.
State of West Bengal & Ors.

Mr. Ranjan Kali
Ms. Nabanita Dutta
Mr. Suraj Bhattacharjee

... for the petitioner

Mr. Raghunath Chakraborty
Ms. Amrita De

... for the Maheshtala Municipality

Mr. Manoj Malhotra
Mr. Suman Dey

... for the State

The petitioner is carrying on business in holding/premises no. B-10-31/New, Budge Budge Trunk Road, Right Side, towards Kolkata Jhalkhura (South), Post Office and Police Station-Maheshtala, Ward No.23, under the jurisdiction of Maheshtala Municipality.

He apprehends that, the Municipality, on the plea of laying pipeline underneath the shop room of the petitioner, may demolish the said shop room without giving any prior notice to the petitioner.

The petitioner has relied upon orders passed by this Court in respect of similar matters. The petitioner, however, has not approached the Municipality with his grievance.

Learned advocate representing the Municipality submits that, as of now, there is no decision on the part of the Municipality to demolish the shop room of the petitioner for the purpose of laying the pipeline.

It has been submitted that work of laying pipeline is under progress, in a place, which is far away from the shop room of the petitioner.

It has been contended that, in the event there is any requirement of removal of the petitioner, then appropriate notice will be issued in his favour.

Upon hearing submissions made on behalf of the parties, it appears that there is no immediate threat of the petitioner's shop room being demolished.

It will be open for the petitioner to make appropriate representation before the Municipality, in the event, steps are being taken for demolition of his shop room.

In the event, there is any requirement of removal of the petitioner from his shop room for the purpose of laying pipeline, the Municipality shall take steps strictly in accordance with law.

Affidavit of service filed in Court is taken on records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)