

S/L 8
05.04.2022
Court. No. 19
GB

WPA 5917 of 2022

Sri Ram Gopal Parwal
VS
The State of West Bengal & Ors.

Ms. Tiya Chowdhury.

....for the Petitioner.

*Mr. Rama Prasad Sarkar,
Ms. Anita Deb Jana.*

...for the State.

Mr. Gopal Chandra Das.

...for the Municipality.

*Mr. Salil Kumar Maity,
Mr. Raj Kumar Sain.*

*...for the Respondent Nos.6 to 8 &
13 to 16.*

Affidavit-of-service filed in Court today be kept with the record.

The petitioner is aggrieved by a permission granted by the Chairperson, Tamralipta municipality to the respondent no.17 for demolition of a house situated at L.R. Plot No.389, Holding No.372, within Ward No.15 of Tamralipta municipality. The petitioner is one of the tenants in respect of the said property in question. According to the petitioner, the municipality while granting such permission did not comply with the provisions of Section 223 of the West Bengal Municipal Act, 1993.

Mr. Maity, learned advocate appearing on behalf of the respondent nos.6 to 8 and 13 to 16 submits that the writ petition is premature as the municipality, upon receiving an

objection from the petitioner, has fixed a date for hearing of such objection on April 11, 2022.

Mr. Das, learned advocate appearing on behalf of the municipality hands over a notice, by which the municipality had directed the demolition work to be stopped. The stop-work notice was served upon the developer, who is the respondent no.17. It also appears that a notice was served upon some of the petitioners fixing April 11, 2022 as the date of hearing the objections. It is also submitted that a notice with the above intimation was affixed in the premises by the municipality and the said notice must serve as a notice to all the persons, who are allegedly occupying the premises, to be present at the hearing on April 11, 2022. The said notices are taken on record.

Under such circumstances, as the grievance of the petitioner has been addressed, nothing further remains to be decided in the writ petition. The municipality has already stopped the demolition work by issuing a notice upon the developer. Thus, there is no further scope for interference, in the writ petition.

Accordingly, the writ petition is disposed of.

The tenants and the builder as also the owners are at liberty to appear at the hearing before the municipality and make their submissions. The Tamralipta municipality upon hearing all the interested parties shall pass necessary orders.

This Court has not gone into the merits of the claims and counter-claims of the parties.

The petitioner is directed to affix a server copy of this order in the premises so that all are put on notice and are represented before the municipality on the relevant date.

However there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)