

AD. 32.
April 27, 2022.
MNS.

WPA No. 7473 of 2022

Sri Ram Gopal Parwal
Vs.
The State of West Bengal and others

Mr. Rudranil Dey,
Ms. Tiya Chowdhury

...for the petitioner.

Mr. Alak Kumar Ghosh,
Mr. G. C. Das

...for the Municipality.

Mr. Rama Prosad Sarkar

...for the State.

Mr. Salil Kumar Maity,
Mr. Raj Kumar Sain

...for the respondent nos. 5 to 16.

Mr. Suprabhat Bhattacharya

...for the added respondents.

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

Learned counsel for the petitioner contends
that, despite a specific direction of a co-ordinate
Bench dated April 5, 2022 passed in WPA No. 5917
of 2022, the Chairman, Tamralipta Municipality
(respondent no. 4 herein) has heard the matter, but
not passed any order thereon in spite of the
demolition work going on illegally on the premises-in-
dispute.

Learned counsel appearing for the Municipality contends that hearing is still going on in the matter and, as such, there has been no scope of any final order being passed till now. In so far as the demolition work is concerned, it is submitted by learned counsel for the Municipality that the alleged demolition work is not going on affecting any of the parties, let alone anything which can be of concern to the petitioner, in any manner whatsoever. As such, the petitioner has nexus with any person in on going demolition work.

Since it is categorically submitted by the Municipality that the hearing is still going on, WPA No. 7473 of 2022 is disposed of by directing the respondent no. 4 to dispose of the matter expeditiously, upon concluding the hearing and coming to a decision with regard to the demolition-in-question as expeditiously as possible, preferably within May 20, 2022.

The petitioner shall be at liberty to approach the respondent no. 4 for any interim measure in respect of the demolition work pertaining to the petitioner's property and/or portion of property.

If so approached, the respondent no. 4 shall decide on the said issue upon giving adequate opportunity of hearing to both sides without being influenced in any manner by any of the observations made herein. Needless to say, the respondent no. 4

shall adhere to the previous order of the co-ordinate Bench with regard to such hearing.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)