

23.03.2022
Court No. 19
Item no.11
CP

W.P.A. No. 13611 of 2021

Badal Chandra Bera & anr.
Versus
The State of West Bengal & Ors.

Mr. Ashim Kumar Routh
Ms. Anindita Auddy (Das)

...for the petitioners.

Mr. Debabrata Saha Roy
Mr. Arka Kumar Nag
Mr. Subhankar Das

....for the respondent nos. 2, 3, & 4.

Mr. Srijan Nayak
Mrs. Rituparna Maitra

....for the State.

Despite service, none appears on behalf of the respondent no. 7. Affidavit of service is taken on record.

The petitioners submit that a overhead tin shed above the staircase in their premises situated at Holding No. RGM/23/446 under Ward No. 23 of the Rajarhat Gopalpur Municipality, was flown away during 'Amphan'. When the petitioners tried to repair such damage by installation of another tin shed, the police authorities directed the petitioners to refrain from continuing with the repairing works. The petitioners came to know that the respondent no. 7

had objected to such repairing. According to the petitioners, the law does not require that a permission or a sanction was mandatory from the Bidhannagar Municipal Corporation (hereinafter referred to as 'the corporation'), for such repair. Reliance has been placed on the building rules and the law in force.

The petitioners by way of abundant caution filed a representation before the corporation seeking permission to complete the repair work. It is further submitted that continuous seepage of rain water through the uncovered staircase has substantially damaged the walls on the first floor.

Mr. Saha Roy, learned advocate appearing on behalf of the corporation, submits that the corporation shall dispose of the representation of the petitioners dated August 2, 2021 in accordance with law upon hearing the petitioners as also the respondent no. 7. Mr. Saha Roy fairly submits that if the petitioners restrict the work only to minor repairing of the tin shed or replacement of the tin shed, the corporation would not stand in the way.

However, this court does not express any views on the merits of the claim of the petitioners and relegates the entire issue to the corporation for a decision in accordance with law, in the presence of the parties.

The corporation shall dispose of the representation upon hearing the petitioners as also the respondent no. 7. A reasoned order shall be passed and communicated to the parties.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

The writ petition is, thus, disposed of. There shall be no order as to costs.

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

(Shampa Sarkar, J.)