

Item No. 52

28.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 16467 of 2022

Surajit Mitra @ Nanu Mitra
v.
The State of West Bengal & Ors.

Mr. Saikat Chatterjee
... for the petitioner.

Mr. Ranajit Chatterjee
Mr. Arijit De
... for the Municipality.

Mr. Malay Singh
Ms. Nilam Singh
... for the State.

The order passed by the Board of Councillors of Baranagar Municipality communicated to the petitioner by Memo dated June 18, 2022 directing the petitioner to demolish the unauthorized construction standing at the Premises No. 50/1, Dr. Nilmoni Sarkar Street, Kolkata-700090 is under challenge in the present writ petition.

It appears from records that the said order was passed in compliance of the direction passed by this Court on July 22, 2021 in WPA 11210 of 2021.

The impugned order mentions that the respondent in the earlier writ petition i.e. the petitioner herein did not appear in the hearing even after the second call.

Learned advocate for the petitioner submits that the petitioner could not be present because of ill health. Prayer has been made before this Court to grant one last opportunity of hearing.

None appears on behalf of the private respondents.

Learned advocate appearing on behalf of the Baranagar Municipality submits that the order has been passed in accordance with the direction passed by the Court in the earlier writ petition.

The Municipality will face a threat of contempt if the order is not complied with.

For ends of justice, a last opportunity be given to the petitioner to remain present before the Municipality with all documents and submissions in his support.

The Board of councillors, Baranagar Municipality is directed to comply the order passed by this Court on July 22, 2021 after giving a fresh opportunity of hearing to both the parties. The entire exercise should be completed within a period of eight weeks from the date of communication of a copy of this order.

The order impugned shall not be given effect to till a decision is taken by the Municipality after giving an opportunity of hearing to the parties in terms of the order passed hereinabove.

It is made clear that no adjournment shall be granted to either of the parties at the time of hearing.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

Sh

(Amrita Sinha, J.)