

24.2.2022
Ct. No.19
Sl.no.13
sn

W.P.A. No. 18954 of 2021

Noor Hossain Sk.

Vs.

The State of West Bengal & rs.

Mr. Ranjan Kali
Mr. Swraj Bhattacharjee
.... the petitioner
Mr. Rajat Dutta
..for the State

Despite service, none appears on behalf of the Maheshtala municipality. Affidavit of service is taken on record.

The petitioner alleges that the petitioner's shop room situated at holding no.H5-39/1 New Budge Budge Trunk Road, Maheshtala, District South 24 Parganas has been demolished by the Mahestala Municipality.

It is contended that the petitioner is the owner and proprietor of Raj Electrics. The petitioner submits that the certificate of enlistment has been renewed up to 2021.

It is submitted that apprehending such demolition of the shop room, the petitioner approached the Chairperson, Board of Administrators, Maheshtala municipality by a letter dated November 22, 2021. The said representation was not considered. It is submitted that substantial demolition has been made and the shop room has been

completely damaged by the municipality. Photographs have been annexed to the writ petition.

This Court refrains from going into the disputed questions of facts raised in this writ petition. All actions of the municipality must be reasonable and in accordance with law. In the absence of the municipality, the correctness of the petitioner's contentions cannot be adjudicated.

Thus, this Court is of the opinion that the competent authority of the Maheshtala municipality shall dispose of the representation of the petitioner, which is at page 48, being Annexure P/6 to the writ petition in accordance with law upon hearing the petitioner and all other interested persons. The said authority shall decide the entire issue independently. A reasoned order shall be passed and communicated to all concerned. The reasons behind such demolition and the procedure followed shall be disclosed in the order. If the allegations are not correct the findings shall reflect the reasons.

The extension of time is given to the municipality in view of the upcoming election.

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

Accordingly, the writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of server copy of this order.

(Shampa Sarkar, J.)