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14.12.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 18715 of 2022

**Jadav Das
-versus
The State of West Bengal & Ors.**

**Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chattopadhyay,
Mr. Santanu Maji,
Ms. Trisha Rakshit,
Mr. Gourab Das.
...For the Petitioner.**

**Mr. Subhasis Bandyopadhyay.
...For the Municipality.**

**Mr. Wasim Ahmed,
Sk. Md. Masud.
...For the State.**

**Mr. Uttiya Ray,
Mr. Arnab Mandal.
...For the Respondent
Nos.9, 10 and 12.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner seeks for a direction upon the Burdwan Municipality for permitting demolition of an old, damaged and abandoned toilet. The petitioner intends to construct a new building at the said premises.

The toilet in question is being used by the private respondents who are the heirs of the tenants of the said premises for more than forty years. A suit for eviction

between the parties is pending consideration before the learned court below.

Learned advocate appearing for the respondent Nos. 9, 10, and 12 submits that the toilet is in a usable condition and the same is being used regularly by them.

Learned advocate appearing for the Municipality submits that no application seeking permission for demolition of the toilet is pending at the end of the Municipality.

Learned advocate appearing for the petitioner refers to the application addressed to the head of the Department of Health and Pollution Control, Burdwan Municipality. Learned advocate of the Municipality submits that there is no such department in the Municipality.

In view of the above, the instant writ petition is disposed of by giving liberty to the petitioner to make formal application before the Municipality seeking necessary permission.

In the event a representation is made, the same shall be considered in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties.

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.

(Amrita Sinha, J.)