

Sl. No.74
31.10.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 19162 of 2022

Subrata Bairagi & Anr.
v.
The State of West Bengal & Ors.

Mr. Surendra Kumar Sharma
... for the petitioners

Mr. Malay Krishna De
Mr. Biswajit Dutta
... for the State

None appears on behalf of Serampore Municipality
despite service.

Affidavit of service filed in Court is taken on
records.

The petitioners alleges that the application filed
before the Municipality seeking permission to demolish
the dilapidated structure standing at the premises
No.661, Grand Trunk Road, Serampore, Hooghly has not
been considered by the Municipality.

It has been submitted that the structure in
question is standing on the roadside is more than a
century old, in an absolute dilapidated condition and
may collapse at any point of time causing loss of valuable
life and property.

Repeated applications made by the petitioners seeking permission to demolish the dangerous structure are yet to be considered.

The petitioners have relied upon a report by the empanelled engineer of the Municipality certifying that the structure in question is unsafe for use.

In the absence of the learned advocate representing the Municipality, the Court is not in a position to decide the issue conclusively.

In view of the above, the present writ petition is disposed of by directing the Serampore Municipality to take steps to dispose of the representation filed by the petitioners seeking permission to demolish the dangerous and dilapidated structure strictly in accordance with law, after giving reasonable opportunity of hearing to the petitioners and all other necessary parties. The Municipality shall pass a reasoned order and communicate the same to the petitioners.

A spot inspection shall be conducted by the Engineer of the Municipality to ascertain the structural health of the century old structure.

Steps shall be taken in the matter at the earliest but positively within a period of six weeks from the date of communication of this order.

Learned advocate for the petitioners is directed to forward the representation dated 28th March, 2022 along with all documents in respect of their prayer to the

aforesaid respondent at the time of communicating the order of the Court.

Affidavit of service filed in Court is taken on record.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)