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12.04.2022
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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 751 of 2022

**Pradip Ghosh and another
-versus
The State of West Bengal and others**

Mr. deborshi Dhar

...For the Petitioners.

Mr. Subir Kumar Saha

Ms. Bedashruti Bose

...For the State.

Mr. Saumya dasgupta

Mr. Bijay Bikram Das

...For the respondent nos.2 & 3.

The petitioners assails a notice dated 21st March, 2022 issued by the Siliguri Municipal Corporation by which the petitioners were directed to dismantle the unauthorized construction carried on by the petitioners at the concerned premises within three days from the date of issue of the notice failing which the Siliguri Municipal Corporation would take up the demolition work.

Learned counsel appearing for the petitioners submits that the notice is in contravention of Section 266 of the West Bengal Municipal Corporation Act, 2006. As no notice of showing cause were given to the petitioners.

Learned counsel appearing for the Corporation submits that the petitioners had themselves written a letter to the Corporation pursuant to an inspection

done sometime in March 2022. Counsel, however, suggests that appropriate directions may be given to the Corporation to give an opportunity of hearing to the petitioners.

After hearing learned counsel, this court is of the view that since the petitioners were admittedly not given any opportunity of showing cause under the first proviso to Section 266 of the 2006 Act, the writ petition may be disposed of with the direction on the Commissioner, Siliguri Municipal Corporation/respondent no.3, to give an opportunity of hearing or showing cause to the petitioners under Section 266 of the Act before any further steps are taken by the Corporation.

The submission of learned counsel that no coercive steps have been taken against the petitioners since March 2022 is also recorded. The Corporation is directed to pass a reasoned order after hearing all concerned parties including the petitioners within a period of four weeks from date of communication of this order. A copy of the reasoned order shall be available to the petitioners within a week from the date on which the order is passed.

WPA 751 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)