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03.11.2022
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**CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri**

WPA 2432 of 2022

M/s. Opus Exhibitors Pvt. Ltd. & Ors.

-vs.-

The State of West Bengal & Ors.

Mr. Kunaljit Bhattacharjee

...for the Petitioner

Ms. Suman Sehanabis

...for Cooch Behar Municipality

Mr. Subir Saha,

Mr. Bikramjit Ghosh

...for the State

The petitioner made a representation before the Chairman, Cooch Behar Municipality with the prayer for exemption of a Cinema Hall namely, New Cinema from being included in the list of heritage buildings in Cooch Behar town.

Mr. Kunaljit Bhattacharjee, learned advocate appearing for the petitioner submits that such representation has not yet been considered by the Cooch Behar Municipality.

Mr. Bikramjit Ghosh, learned advocate representing the State on the other hand submits that a notification was issued by the Cooch Behar Municipality inviting objection with regard to inclusion of any building as a heritage property.

The petitioner did not raise any objection within the stipulated time limit as indicated in the said notification. The cinema hall has already been declared as a heritage property.

I am of the view that since the petitioners for the reason whatsoever could not appear before the Heritage Cell of the municipality to raise their objection with regard to the inclusion of the Cinema Hall as a heritage property, for the ends of justice, they should be given a chance to appear before the said Heritage Cell to raise objection against such inclusion in the list of heritage properties.

Accordingly, this writ petition is disposed of with a direction upon the Heritage Cell, Cooch Behar Municipality to consider the representation of the petitioner appearing at page 53 of the writ petition within a period of two months from the date of communication of this order. The said Cell should afford an opportunity of hearing to the petitioners or their authorised representative before passing any order.

The Heritage Cell, Cooch Behar Municipality shall pass a reasoned order and communicated the same to the petitioners within a period of one week from date of the decision.

WPA 2432 of 2022 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Kausik Chanda, J.)