

Item No. 302 & 303

01.09. 2023

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 2332 of 2023

Pramit Ghosh
Vs
The Chandernagore Municipal
Corporation & Ors.

Mr. Sayantan Chatterjee
Mr. Sumit Biswas
Mr. Altamash Alim
Ms. Raharshgee Bhowmick
... for the Petitioner.

Mr. Raghunath Chakraborty
Ms. Amrita De
... For the private respondent no. 7.

Mr. Malay Singh
Ms. Neelam Singh
... For the State.

Mr. Suman Basu
... For the Chandernagore Municipal Corporation.

With

WPA 10465 of 2023

Amit Kumar Ghosh
Vs
The Chandernagore Municipal
Corporation & Ors.

Mr. Raghunath Chakraborty
Ms. Amrita De
... For the Petitioner.

Mr. Sayantan Chatterjee
Mr. Sumit Biswas
Mr. Altamash Alim
Ms. Raharshgee Bhowmick
... for the private respondent.

Mr. Suman Basu
... For the Chandernagore Municipal Corporation.

The writ petitioner and the private respondent are full-blooded brothers. The issue in the writ petitions relates to an order of demolition passed by the Chandernagore Municipal Corporation.

Sri Pramit Ghosh filed the writ petition praying for implementation of an order of demolition passed by the Corporation directing Amit Kumar Ghosh to demolish the unauthorized construction.

Sri Amit Kumar Ghosh filed the writ petition challenging the order of demolition passed by the Corporation.

It appears that Amit Kumar Ghosh being aggrieved by the order of demolition challenged the same by preferring appeal before the Mayor of the Corporation.

According to the amended provisions of the West Bengal Municipal Corporation Act, 2006, the Mayor of the Corporation does not have the power or authority to decide an appeal against the order of demolition passed by the Corporation. Hence the writ petition has been filed by Amit Kumar Ghosh.

Learned advocate representing the Chandernagore Municipal Corporation submits, upon instruction that, due to inadvertence copy of the spot inspection report was not served upon either of the parties.

To put to rest the issue of unauthorized construction, the Court thinks it fit to direct the Commissioner of the Chandernagore Municipal Corporation to cause fresh spot inspection of the subject premises to ascertain the nature and extent of

the unauthorized construction upon prior notice to both the parties.

The spot inspection report shall be circulated amongst the parties. Thereafter, an opportunity of hearing shall be granted to both the parties.

The Commissioner of the Corporation will decide the issue of unauthorized construction upon perusal of the spot inspection report and the submissions made on behalf of the parties at the time of hearing and pass a reasoned order and communicate the same to all the parties.

The entire exercise shall be concluded at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

Both the writ petitions stand disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J)