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Ct No 2023
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AGM

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

WPA 3537 of 2023

**Gour Saha @ Gour Chandra Saha
Vs
The Nabadwip Municipality & Ors.**

Mr. Uday Narayan Betal
Mr. Dhananjoy Banerjee
... For the petitioner.

Ms. Natasha Roy
... For the respondent No. 6.

Mr. Swapan Kumar Majumdar
Mr. Saptarshi Majumdar
... for the Nabadwip Municipality.

The matter relates to Gour Gobinda Deb Thakur
(Rani Rashmoni Kachari Bari) 1, Woodburn Road under
Nabadwip Municipality.

The Municipality made a communication to the
private respondent mentioning that a meeting was
conducted with the occupiers of the said premises and the
occupiers have assured that they will remove themselves
from the particular place within two months.

The petitioner claims to be one of the occupiers of
the subject premises. The petitioner relies upon an
electricity bill issued in his name in the month of
February 2023 by the West Bengal State Electricity
Distribution Company Limited. The petitioner has also
relied upon the Aadhar Card and Voter Card in support of
the contention that he is an occupier of the said premises.

The petitioner contends that no opportunity of hearing was given to him by the Municipality.

The shebait of the property is trying to evict the petitioner without due process of law.

Learned advocate representing the shebait submits, upon instruction that, the petitioner is a rank trespasser and he is not at all an occupier of the subject premises.

Learned advocate representing the Municipality submits, upon instruction that, notice was sought to be served upon the petitioner but on his refusal to accept the notice the same was affixed on the outer wall of the subject premises.

Photographs have been shown before this Court to show that the building is in a very dilapidated condition. Portions of the said premises may collapse causing loss of valuable life and property.

The shebait also contends that portions of the building are in an extremely dilapidated condition and the same is unsafe for occupation.

As the petitioner claims to be an occupier of the subject premises, accordingly, the Municipality is directed to afford an opportunity of hearing to the petitioner or any other person who is in occupation of the said premises prior to effecting the demolition.

A further spot inspection shall be conducted upon giving prior notice to all the necessary parties at the earliest but positively by 21st April, 2023 and thereafter a decision shall be taken within a fortnight of the spot inspection and positively by 16th May, 2023 as to whether

the dilapidated portion of the subject premises is required to be demolished or not.

The Municipality shall also afford reasonable opportunity of hearing to the shebait of the subject premises.

It will be open for the parties to approach the proper forum for declaration of their civil rights.

The writ petition stands disposed of.

Affidavit-of-service filed today in Court be taken on records.

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

(Amrita Sinha, J.)