

W.P.A.12710 of 2023

Abhijit Chowdhury
Vs.
Nabadwip Municipality & ors.

Mr. Jayanta Samanta,
Mrs. Karunamoyee Samanta
...for the petitioner

Mr. Jahar Dutta,
Mr. Bipin Ghosh
...for the State

Mr. Swapan Kr. Mazumdar,
Mr. Soptorshi Mazumder
...for Nabodwip Municipalaity

Ms. Susmita Chatterjee
...WBSEDCL

Petitioner is one of the Shebaites of “Rani Rashmoni Kachari Bari”, popularly known as “SONAR GOURGOBINDADEB THAKUR”, north-western portion of the said premises within Nabadwip Municipality is absolutely dilapidated and at any point of time may collapse. Previously, one Gour Chandra Saha filed W.P.A.3537 of 2023 before this Court for issuance of a writ in the nature of mandamus whereupon this Court vide order dated 5th April, 2023 disposed of the said writ petition directing the Nabadwip Municipality to conduct spot inspection within a specific date and take decision on the question as to whether dilapidated portion of the subject premises required to

be demolished. Another writ petition being no.WPA 4594 of 2023 was also disposed of by a coordinate Bench on 17th April, 2023 with almost the similar order.

It appears from page 34 of the instant writ petition that the Executive Engineer to the Nabadwip Municipality inspected the subject premises and submitted the following report:-

“As per order of the Nabadwip Municipal Authority, to comply the order of the above referred case, I being S.A.E, Nabadwip Municipality, physically inspected the dilapidated portion of the premises 1 no. wood Burn Road, Ward No:-09, Nabadwip and after measuring each & every rooms totalling nine rooms but enquired separately each & every rooms with the measurements and found seriously ruinous, dangerous and not at all fit for human inhabitant and the said enquiry report is annexed herewith along with detailing measurement and photograph. According to me, no one should be allowed to enter in the room and area to avoid unexpected accidental situation and each and every room require to be vacate and maintain lock & key till the demolition of each and every room. The enquiry is done in presence of the family members of the writ petitioner and other interested party.”

Thus there is no doubt that the north-western portion of the said building is required to be demolished at the earliest.

Learned advocate of the WBSEDCL submits that the WBSEDCL will render all support to the Municipality at the time of demolition.

However, it is submitted by the learned advocate for the Nabadwip Municipality that the Municipality is not in a position to execute this Court's earlier orders because of the fact that police authority was not agreeable to render police help unless and until it is specifically directed. The Inspector-in-Charge of Nabadwip Police Station has filed a report to this effect. The copy of the report be kept with the record.

It is also submitted by learned advocate for Nabadwip Municipality that the Municipality submitted requisition under Section 409 of the West Bengal Municipal Act, 1993 requiring police assistance but the prayer of the Nabadwip Municipality was not taken care of by the police authority.

In view of such circumstances, the Superintendent of Police, Krishnanagar, Nadia, is specifically directed to render all possible police help to the Nabadwip Municipality and WBSEDCL to facilitate demolition work of the north-western portion of the dilapidated premises as mentioned in the report of the Executive Engineer of Nabadwip Municipality

within fourteen (14) days from the date of communication of this order and the Municipal authority and WBSEDCL shall be informed at least ten (10) days prior to rendering such police help to the said authorities for carrying out demolition work.

It is needless to say that during or immediately after the demolition work, there may be a chance of vandalism by the occupiers of the said dilapidated portion in the temple known as “SONAR GOUR GOBINDA DEB THAKUR” as apprehended by the learned counsel for the petitioner. If the petitioner apprehends such law and order problem, the Superintendent of Police, Krishnanagar, Nadia shall be moved for police posting in the said temple at the cost of the petitioner.

The instant writ petition is accordingly disposed of with the above direction.

(Bibek Chaudhuri, J.)