

Item No. 90(ml)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

9.01.2023
Ct-24

WPA 15588 of 2021
Bhabani Karmakar

v.

The State of West Bengal & Ors.

Mr. Bhudeb Chatterjee

Mr. S.K.Ghosh

... for the petitioner.

Mr. Suman Basu

... for the CMC.

Mr. Santanu Kumar Mitra

Mr. Subhabrata Das

... for the State.

The petitioner seeks consideration of her representation filed on March 1, 2021 seeking demolition of the dilapidated and ruinous structure standing at holding no. 304 (old no. 263), Hatkhola Kabi Bharat Chandra Road, Ward No. XVI under the jurisdiction of the Chandernagore Municipal Corporation.

It has been submitted by the learned advocate for the petitioner that a hearing was called for by the Municipality but no final order has yet been passed. Reference has been made to a communication dated July 22, 2021 passed by the Chandernagore Municipal Corporation.

None appears on behalf of the private respondent despite service.

Affidavit-of-service filed in Court today is taken on record.

Learned advocate representing the Chandernagore Municipal Corporation submits that necessary direction may be passed for consideration of the prayer of the petitioner.

As it appears that the representation filed by the petitioner seeking demolition of the old and ruinous structure is pending consideration before the Chandernagore Municipal Corporation for a considerable period of time, accordingly, the Corporation is directed to take steps to consider the same in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties and thereafter pass a reasoned order and communicate the same to the parties.

The Corporation, to ascertain the condition of the structure, may cause a spot inspection and thereafter pass a reasoned order in the matter. The report of spot inspection shall be served upon all the necessary parties.

Endeavour shall be taken to dispose of the representation positively within a period of twelve weeks from the date of communication of a copy of this order.

It is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided by the Corporation at the time of consideration of the said representation.

Learned advocate for the petitioner is directed to forward a copy of the representation dated March 1,

2021 to the Corporation at the time of communicating the order of the Court.

The parties will be at liberty to produce and rely upon all orders passed in respect of the subject premises at the time of hearing and the Corporation shall consider the said documents at the time of passing the final order.

The writ petition stands 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.)