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13.01.2023
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 28166 of 2022

**Sukumar Dey & Ors.
-versus
The Serampore Municipality & Ors.**

**Mr. Suprio Chattopadhyay,
Mr. Brijendra Pratap Singh.
...For the Petitioners.**

**Mr. Koushik Chatterjee,
Mr. Nilanjan Adhikari.
...For the Respondent No. 5.**

The petitioners are aggrieved by the order of demolition passed by the Serampore Municipality.

Specific contention of the petitioners is that there has been violation of principle of natural justice and no opportunity was given to the petitioners for hearing prior to passing the impugned order of demolition.

It is the further case that the matter was heard not by the Board of Councillors but only by a couple of Councillors of the Municipality.

Report has been filed by the Chairman of Serampore Municipality wherein the Attendance Sheet of 29th November, 2022 when the matter was heard by the Board of Councillors of the Municipality is annexed.

It appears therefrom that Sukumar Dey, the petitioner No.1 was present in the hearing and his

signature is appearing against serial No.14, Smt. Sumi Dey, the petitioner No.2 appeared in the hearing and her signature is appearing against serial No.13 and Arun Pal, the petitioner No.3's, signature is appearing at serial No.15 of the Attendance Sheet.

The signatures appearing in the Attendance Sheet more or less tallies with the signatures appearing in the vakalatnama filed with the present writ petition.

Accordingly, the submission of the petitioners that they were not afforded an opportunity of hearing by the Board of Councillors, cannot be accepted by the Court.

The order impugned being an appealable one, it will be open for the petitioners to approach the appropriate forum for relief.

The Court is not inclined to pass any further order in the present writ petition.

The interim order, which was passed in the matter, stands vacated.

For the ends of justice, the Municipality is restrained from taking coercive steps against the petitioners till 20th January, 2023.

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.

(Amrita Sinha, J.)