

Item No.12

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

21.12.2023
Ct-24

WPA 28683 of 2023
Hirendranath Mete @ Hiren Mete
v.
The State of West Bengal & Ors.

Md. Sarwar Jahan
Mr. Sayantan Hazra
Mr. Kaustav Roy
... for the petitioner.

Mr. Rajarshi Basu
Mr. K.M. Hossain
... for the State.

Mr. M. Thakur
Mr. Swarup Kumar Ghosh
... for the Municipality.

The instant writ petition was filed for setting aside the impugned notice dated December 12, 2023 directing the private respondent being the owner of the subject property to demolish the building with the permission of the office.

On a perusal of the said impugned notice it appears that certain conditions were mentioned following which the demolition could take place.

The petitioner claims to be a tenant at the subject premises and the private respondent is the owner thereof. The writ petition was filed after obtaining leave on December 19, 2023.

The petitioner submits that today morning the private respondent with the help of a JCB machine has already demolished the structure in question.

It appears from the submission of the petitioner that the impugned notice which the petitioner sought to set aside has already been given effect to.

In view of the above, no relief can be granted to the petitioner in the instant case.

It will be open for the petitioner to approach the competent forum for securing his tenancy right in accordance with law.

The writ petition stands disposed of.

Leave to file affidavit-of-service in the course of the day.

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

SH

(Amrita Sinha, J.)