

25 31.07.2023

jb.
Jdt.

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

**WPA No. 1529 of 2023
Narsingh Das Agarwal
Versus
State of West Bengal & Ors.**

Dr. Navin Barik
Mr. Sandip Majumder
Ms. Esha Acharya
...for the Petitioner
Mr. Deborshi Dhar
...for the Siliguri Municipal Corporation
Mr. Hirak Barman
Mr. Mominur Rahaman
... for the respondent No. 5

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears for the private respondent despite service.

The petitioner has sought implementation of the order dated 14th September, 2018 passed by the Commissioner, Siliguri Municipal Corporation directing the owner and the tenants of the building in question to take immediate corrective measures for exhaustive repair of the structure or demolition of the same within 30 days from the issuance of the order.

Learned counsel for the petitioner submits that pursuant to the said order, though major part

of the building has been demolished, the private respondents who are running their shops in a portion of the building have neither repaired the said portion nor demolished the same in compliance with the order of the Siliguri Municipal Corporation. The petitioner submitted a representation in this regard before the Commissioner, Siliguri Municipal Corporation on 4th May, 2023 requesting necessary steps for demolition of the entire building with intimation to the police authority for rendering necessary assistance for the same. The petitioner is ready and willing to bear the expenses incurred by the Commissioner for the purpose. The representation is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the third respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the third respondent to consider and dispose of the representation submitted by the petitioner dated 4th May, 2023 within four weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the stake holders including the petitioner, in accordance with law.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J)