

WPA 5103 of 2024
Nabin Kumar Mondal
Vs.
Bidhannagar Municipal Corporation & Ors.

Mr. Goutam Misra,
Mr. Vaskar Pal

...for the Petitioner

Mr. Arka Kumar Nag,
Mr. Tirthankar Dey

...for BMC

A demolition order was issued by the Bidhannagar Municipal Corporation in compliance with an order dated May 3, 2023, passed by a Co-ordinate Bench of this Court in WPA 7312 of 2022 (Kakali Dutta vs. The State of West Bengal & Ors.) concerning R.S. Dag No. 1220 (P), L.O.P. No. 2, Mouza Jyangra, J.L. 16, P.S. Baguiati. Before passing the demolition order, the petitioner was asked to attend a hearing on December 12, 2023, by the Corporation.

Learned counsel for the petitioner submits that, due to illness, the petitioner was unable to attend the hearing scheduled by the Bidhannagar Municipal Corporation on December 12, 2023. The petitioner made a representation to the Corporation, requesting the rescheduling of the hearing, through a letter dated August 11, 2023. However, the Corporation issued a demolition order on September 15, 2023, without affording the petitioner an opportunity for a hearing.

Learned counsel for the petitioner further submits that the Corporation intends to proceed with the

demolition of the alleged unauthorized construction tomorrow.

On the other hand, learned counsel for the Corporation submits that during the inspection on September 4, 2023, the petitioner was present but failed to produce any sanctioned plan for the construction.

In light of the circumstances, I am of the view that the Corporation ought to have considered the representation made by the petitioner on August 11, 2023, before proceeding to decide the matter adversely against the petitioner.

Accordingly, I set aside the demolition order dated September 15, 2023.

The Corporation is directed to issue a fresh notice to the petitioner and to provide an opportunity of hearing. The matter shall be reconsidered by the Corporation after hearing all concerned parties, and a fresh reasoned order shall be passed. This exercise shall be completed within three months from the date of this order.

Accordingly, **WPA 5103 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)

