

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

W.P.A 6036 of 2024

**Sujit Roy & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Subhajit Das.
Ms. Utsa Dutta.
...For the Petitioners.**

**Mr. Asish Kumar Guha.
Mr. Jayak Kumar Gupta.
...For the State.**

**Mr. Sounak Bhattacharya.
Mr. Sounak Mondal.
Mr. Abhirup Halder.
Mr. Anirban Saha Roy.
...For the Private Respondent.**

**Mr. Suman Basu.
Ms. Debanwita Pramanik.
...For CMC.**

Report filed by the Chandannagar Municipal Corporation be retained with the records.

It appears that in the instant writ petition there are two sketches prepared by the Corporation mentioning the area of unauthorised construction. The first sketch is dated 18th September, 2019 which mentions that the unauthorised construction is of 692 sq. ft. whereas the subsequent sketch dated 7th August, 2020 mentions that the unauthorised construction is of 664 sq. ft.

The petitioners contend that the inspection report was not forwarded to them. Prior notice was not served before inspection. The petitioners got knowledge of the sketch from the writ petition filed by the private

respondent seeking implementation of the order of demolition.

Learned advocate representing the private respondent asserts that prior notice of inspection was duly served and the spot inspection report was also circulated.

The report of the Corporation mentions that record does not reveal that prior intimation was given to the writ petitioners for conducting inspection and the inspection report was also not circulated.

In view of the aforesaid submission made by the Commissioner, Chandannagar Municipal Corporation on oath, the Court directs the Corporation to conduct a fresh spot inspection upon prior notice to all the necessary parties within a fortnight from date.

Spot inspection report shall be immediately circulated to all the parties and a hearing be conducted within a fortnight thereafter. A fresh order shall be passed and communicated to the parties.

It will be open for the parties to rely upon all documents in support of their respective stand at the time of hearing.

Till a final decision is taken by the Commissioner, Chandannagar Municipal Corporation, the order of demolition dated 19th April, 2022 and the direction passed by this Court in WPA 24917 of 2023 (Satya Ranjan Ghosh –Vs.- The State of West Bengal & Ors) shall be kept in abeyance.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)