

31-32 19-11-2024
AKG
Ct. 15

WPA 9241 of 2024
Panskura Byabsayee Samity & Ors.
Vs.
The State of West Bengal & Ors.
With
WPA 11414 of 2024
Sk. Sabir Ali & Ors.
Vs.
State of West Bengal & Ors.

Mr. Goutam Thakur
...for the Petitioners in WPA 9241/2024
Mr. Goutam Thakur
...for Respondent Nos. 9 to 11, 15-18 & 21 in
WPA 11414/2024
Mr. Firdous Samim,
Ms. Gopa Biswas
...for the Petitioners in WPA 11414/2024
Mr. Firdous Samim,
Ms. Gopa Biswas
...for Respondent Nos. 6, 7 & 8 in WPA
9241/2024
Mr. Lalit Mohan Mahata,
Mr. Rudranil De
....for the State in WPA 11414/2024
Sk. Mjujibar Rahman,
Ms. Karabi Roy
....for the State in WPA 9241/2024

Both these writ petitions pertain to an order of demolition passed by Panskura Municipality against a building at plot no.526, at Chowringhee More, Dakshin Gopalpur under Ward No.4 of the Municipality.

In view of the shared facts, both the writ petitions are taken up for hearing.

The learned advocate, Mr. Goutam Thakur, appearing for the petitioners in WPA 9241 of 2024, the occupants of the building, contends that the Chairman of

the Panskura Municipality issued an order for the demolition of the building in question in haste, without properly assessing the structural integrity of the building. Mr. Thakur further submits that the building can be repaired and made habitable, and that demolition of the building is, therefore, not warranted.

By filing WPA 11414/2024, the landlord of the building, as the petitioner, asserts that the Municipality's decision was made after thorough deliberations. The petitioners have failed to provide the list of occupants, which is required for the execution of the demolition work. He submits that the building is in a dilapidated condition, posing a potential threat to public safety.

It does not appear from the materials before this Court that, in passing the demolition order, the Municipality took steps to assess the building's structural stability through the engagement of a qualified engineer.

In light of the above, the two writ petitions are disposed of with the following directions:

1. The Municipality shall appoint a qualified engineer to assess the structural stability of the building.

2. The appointed engineer shall submit a report to the Municipality regarding the building's structural condition within one month from the date of inspection,

which should be conducted after providing due notice to all concerned parties.

3. If the engineer opines that the building is beyond repair, the Municipality shall be at liberty to proceed with the demolition of the building in accordance with applicable law.

4. If the engineer concludes that the building can be repaired and made habitable, the necessary repairs shall be carried out at the expense of the petitioners in WPA 9241/2024.

Accordingly, **WPA 9241 of 2024** and **WPA 11414 of 2024** are 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.)