

WPA 15017 of 2024
Amit Kumar Ghosh
Vs.
The Chandernagore Municipal Corporation & Ors.

Mr. Raghunath Chakraborty,
Ms. Amrita De,
Ms. Mohana Das

...for the Petitioner

Mr. Ayan Banerjee,
Mr. Suman Banerjee

...for Respondent Nos. 8 & 9

Mr. Suman Basu

...for Corporation

The Chandernagore Municipal Corporation has identified certain unauthorised constructions at Holding No. 1386, Ward No. 14, Chandernagore, Hooghly. It appears that the property in question was developed at the instance of one of the co-sharers, who is the petitioner in this case.

Respondent nos. 8 and 9 are the brothers of the petitioner. On their complaint, the Corporation had initiated demolition proceedings and ultimately issued a demolition order on March 5, 2024. The present writ petition challenges this demolition order.

Learned counsel for Respondent Nos. 8 and 9 submits that the petitioner not only engaged in the unauthorised construction but also changed the use of the property from residential to commercial without obtaining prior permission from the Corporation. He further submits that, as the demolition proceedings have

not yet been completed, the petitioner is unable to occupy the allotted part of the building.

Learned counsel for the petitioner counters that Respondent Nos. 8 and 9 are in possession of the respective flats.

Mr. Raghunath Chakraborty, learned counsel for the petitioner, argues that the demolition order should not be enforced, as there is no functional Appellate Tribunal before which the petitioner can challenge the order.

In my view, there is no justification for keeping this writ petition pending.

In light of the above facts, I dispose of this writ petition with the following directions.

The petitioner is granted liberty to make a representation before the Chandernagore Municipal Corporation seeking regularisation and post facto approval for the change of user of the building. Such representation shall be submitted within two weeks from the date of this order. The Corporation is directed to consider and decide on the petitioner's request in accordance with the law, preferably within two months thereafter.

It is clarified that the Court has not assessed the merits of the case. The Corporation shall be at liberty to decide on the petitioner's representation on its own merits,

without being influenced by this order. In considering the request for regularisation, the Corporation may conduct a fresh inspection, providing due notice to the parties involved.

Accordingly, **WPA 15017 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.)