

S/L 30
27.02.2024
Court No.24
SD

WPA 16418 of 2023
With
CAN 1 of 2024

Surender Kumar Gupta @ Surendra Kumar Gupta
Vs.
The State of West Bengal & Ors.

Mr. S.D. Mahapatra
Mr. Palash Bapari
Ms. Madhurai Sinha

...for the Petitioner.

Mr. Debjit Mukherjee
Ms. Rajyashree Mukherjee

...for the State.

Mr. Biplab Ranjan Bose

...for the Respondent Nos.2-4.

Mr. Chitta Ranjan Chakraborty
Mr. Dip Jyoti Chakraborty
Mr. Sumit Banerjee
Ms. Pushpa Rani Jaiswara

...for the Applicant.

The petitioner claims to be the owner of the structure situated at holding no.126, Shibtala Lane under Ward No.2 of Bansberia Municipality.

The Chairman of the Municipality has issued a notice under Section 327 of the West Bengal Municipal Act, 1993 requiring the petitioner to take down the structure at his own cost by taking precaution as the structure is in ruinous and dangerous state.

The petitioner submits that he does not have the machinery to bring down the structure and, accordingly, prays for a direction upon the Municipality to demolish the same.

An application for addition of party has been filed by a tenant of the said premises. It has been submitted that the structure is not in a dilapidated condition and is not required to be demolished. It has been alleged that the said notice has been procured by the petitioner for the sole intention of evicting the applicant from the said premises.

It appears from the submissions made on behalf of the parties that there is a dispute with regard to the condition of the building. According to the Municipality, the same is in a ruinous condition, required to be demolished. The applicant denies that the structure is in ruinous condition.

With such disputed question of fact, no order can be passed in the instant writ petition. The Municipality shall take necessary steps in accordance with law.

Report filed by the Inspector-in-Charge, Chinsurah Police Station is taken on record.

The writ petition stands disposed of.

In view of disposal of the writ petition, CAN 1 of 2024 also stands disposed of.

Urgent certified photocopy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

(Amrita Sinha, J.)