

08.10.2024
Ct. No.551
Sl. No. 10
tbsr

WPA 17378 of 2024
Anjana Guha & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Anirban Roy
Mr. Debjit Basu
....for the petitioners
Mr. Sounak Bhattacharya
Mr. Sounak Mandal
....for the respondent nos. 9 and 10

1. Affidavit-of-service, as filed in Court today, is taken on record.

2. By filing the instant writ petition, the writ petitioners have prayed for issuance of mandamus against the respondent authorities for demolition of the unauthorized construction at the behest of the private respondent nos. 9 and 10 at the premises no. 394 Jessore Road, Post Office - Shyamnagar Dumdum, P. S. Dum Dum, Kolkata 700055, District - North 24 Parganas under South Dum Dum Municipality in Ward No. 21.

3. In course of hearing learned advocate for the writ petitioners submits before this Court that in respect of the aforementioned premises, the writ petitioners are the owners while the private respondent nos. 9 and 10 are the tenants.

4. It is the grievance of the writ petitioners that after taking tenancy in respect of the aforementioned premises, the private respondents had made illegal

construction in the said building without obtaining any permission either from the writ petitioners or from the respondent no. 2, i.e. South Dum Dum Municipality.

5. It is further submitted that pursuant to the representation dated 06.09.2024 a hearing was started by the Board of councilors of the said Municipality but at the time of hearing the Board of Councilor of the said Municipality is not willing to accept the documents as proposed to be filed by the writ petitioners more specifically; the copy of the original sanctioned plan in respect of the aforementioned building.

6. It is reported at the Bar that hearing by the Board of Councilors has not yet been completed.

7. Despite service, none appeared on behalf of the South Dum Dum Municipality.

8. Learned advocate for the private respondents however opposes the contentions as raised on behalf of the writ petitioners.

9. Considering the entire situations, as discussed supra, this Court while disposing the instant writ petition, directs the Board of Councilors of South Dum Dum Municipality to fix a fresh date of hearing pursuant to the written complaint dated 24.04.2024 as made by the writ petitioners after service of notice upon the writ petitioners and the private respondents and at the time of hearing. The Board of Councilors are

directed to accept the relevant documents as proposed to be filed by the writ petitioners and thereafter shall come to a logical conclusion of the same by passing a reasoned order. The reasoned order is also to be communicated to the writ petitioners as well as to the private respondents either by speed post or by email, if the email details of the writ petitioners and the private respondents are furnished at the time of hearing.

10. Before parting with, it is made clear that the entire exercise as indicated hereinabove is to be completed by the last day of December, 2024 by the Board of Councilors of the South Dum Dum Municipality.

11. It is made further clear that the time will as fixed by this Court is mandatory and peremptory.

12. Liberty is given to the writ petitioners to communicate this order to the respondent nos. 2 and 3.

13. The respondent nos. 2 and 3 are directed to act on the server copy of this order.

14. With the aforementioned observations, the instant writ petition is disposed of.

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

(Partha Sarathi Sen, J.)