

Sl. No.03
23.09.2024
Suman
Ct. 15

WPA 23675 of 2024

Rafikul Molla
Vs.
The State of West Bengal and Ors.

Ms. Pampa Dey (Dhabal)
Ms. Sangita Banerjee
..for the petitioner

Mr. S. P. Lahiri
Mr. Arindam Mitra
..for the State

Mr. Ragunath Chakraborty
Mr. Mehaboob Ahamed
Ms. Mohona Das
..for Maheshtala Municipality

Mr. Wasim Akram
..for respondent nos. 7 and 8.

The petitioner challenges a notice for demolition dated September 4, 2024, issued by the Sub-Assistant Engineer, in charge of Building Department, Maheshtala Municipality at R.S. Dag No.150, R. S. Khatian No.397 of J.L. No.2, Mouza Tetulkhuli under P.S. Maheshtala, South 24 Parganas .

This is an admitted position before this Court that in passing the demolition order, the petitioner was heard by the Chairman of the Municipality on August 14, 2024, and he passed a demolition order on the same date. Subsequently, the demolition order passed by the

Chairman of the Municipality was approved by the Board of Councillors on September 20, 2024.

This course of action cannot be approved. The petitioner should have been heard by the Board of Councillors and the demolition order should have been passed by the said body.

In that view of this matter, the notice dated September 4, 2024, and the demolition order dated August 14, 2024, passed by the Chairman, Maheshtala Municipality are set aside.

This order will not prevent the Municipality from initiating the demolition process afresh in accordance with law.

Accordingly, **WPA 23675 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.)