

WPA 24108 OF 2024

Alauddin Tarafdar

- Vs -

Bidhannagar Municipal Corporation & Ors.

03.12.2024

Sl no. 10
Ct no. 15
P.M.

Ms. Madhurima Sarkar,
Ms. Aishwarya Nanda,
Ms. Urmi Biswas

... for the petitioner

Ms. Ananya Mondal,
Mr. Subhayan Barik

... for Private respondent no. 8-10

Mr. Bikram Banerjee,
Mr. Arijit Bakshi

... for Special Officer

Mr. Sirsanya Bandopadhyay,
Mr. Tirthankar Dey,
Mr. Arka Kr. Nag

... for BMC

The petitioner has asserted that in implementing the order dated May 5, 2022, passed in WPA No. 3890 of 2022 (Abdul Rahim Tarafdar & Ors. v. The State of West Bengal & Ors.), the Bidhannagar Municipal Corporation attempted to demolish a room rented out as a car service center, which was not the subject matter of the aforementioned writ petition.

A perusal of the order dated May 5, 2022, reveals that the petitioners in WPA 3890 of 2022 alleged unauthorized construction on Dag Nos. 730, 731, 732, 733, 737, 738, 343, 346, 397, 398, 399,

400, 492, 493, and 500. The petitioners therein alleged the construction of a six-storied building in violation of Corporation regulations.

Upon hearing the parties, a confusion regarding the identification of the subject matter of WPA 3890 of 2022 cropped up in the Court's mind. Accordingly, this Court, by an order dated November 14, 2024, appointed two Special Officers to identify the alleged unauthorized construction.

The Special Officers have filed their report, a copy of which has been circulated among the parties.

From the report filed by the Special Officers, it is evident that no six-storied building was found during their spot inspection. In contrast, the petitioners in WPA 3890 of 2022, who are respondents nos. 8 to 10 in the present writ petition, have identified the car service center for demolition as the unauthorized construction.

When respondent Nos. 8 to 10, in the previous round of litigation, raised the allegation regarding a six-storied building on the relevant plots, they now refer to the car service center as the subject construction. This contradictory stance by respondent Nos. 8 to 10 highlights the fact that the

Corporation was attempting to demolish the car service center, despite it not being the subject matter of WPA 3890 of 2022.

The Bidhannagar Municipal Corporation has also submitted that, upon inspection, it found a one-storied building.

Accordingly, the Corporation is restrained from demolishing the car service center in question. The demolition notice dated September 4, 2024, issued by the Commissioner of Bidhannagar Municipality is set aside. This order shall not prevent the Corporation from taking action in accordance with the law. The special officers appointed by this Court are hereby discharged.

Accordingly, **WPA 24108 of 2024** is allowed.

(Kausik Chanda, J.)