

Ml- 26.02.2024
108 Ct.15
&
109
rkd

W.P.A. 23954 of 2018

Shashi Agarwal

-vs-

Bidhannagar Municipal Corporation & Ors.

With

W.P.A. 24925 of 2018

Sandhya Paul

-vs-

Bidhannagar Municipal Corporation & Ors.

Mr. Shuvasish Sen Gupta,

Mr. Soumyajit Mishra,

Mr. Abhrajit Roy Chowdhury

....for the petitioner in WPA 23954/18

& for the private respondents in WPA 24925/18.

Mr. Shyamal Chakraborty,

Mr. Debajyoti Mondal,

Ms. Anjana DAs

....for the petitioner in WPA 24925/18

& for the private respondents in WPA 23954/18.

Mr. Rajarshi Basu,

Mr. K. M. Hossain

....for the State in WPA 23954/2018.

Mr. Sirsanya Bandopadhyay,

Mr. Tirthankar Dey,

Mr. Arka Kumar Nag

....for the BMC.

Both the writ petitions are taken up for consideration when the writ petitioners in both the writ petitions, Bidhannagar Municipal Corporation and State respondents are represented by learned advocates.

During course of hearing learned advocate representing the Bidhannagar Municipal Corporation has filed one order dated 9th February, 2024 which is taken on record.

On perusal of the order dated 9th February,

2024 of the Commissioner it appears that it has been recorded that both the petitioners in two writ petitions made unauthorised constructions and direction has been given upon the parties to demolish unauthorised construction within four weeks from the date of receipt of the order dated 9th February, 2024.

Now both the writ petitions are required to be considered in view of the order passed by the Commissioner dated 9th February, 2024. It emanates from the submissions made on behalf of the petitioners in both the writ petitions that the two writ petitions were filed, *inter alia*, questioning the failure on the part of the concerned authority of Bidhannagar Municipal Corporation to take steps based on the complaints made by the petitioners in both the writ petitions against the private respondents alleging unauthorised constructions.

Pursuant to the order passed by this Court on both the writ petitions ultimately upon bringing the proceeding into logical conclusion final order is passed by the Commissioner on 9th February, 2024. Legality and validity of the order dated 9th February, 2024 cannot be examined in the present two writ petitions since in these two writ petitions failure on the part of the concerned authority of

Corporation to deal with the complaints has been questioned.

In aforesaid conspectus both the writ petitions are disposed of thereby granting leave to the petitioners in both the writ petitions to take steps in accordance with the law against the order dated 9th February, 2024 passed by the Commissioner.

If writ petition is filed by fortnight from date the order passed by the Commissioner dated 9th February, 2024 shall remain stayed for a period of three weeks from date.

In the event petitioners in both the writ petitions fail to file the writ petition within the aforesaid period of fortnight the order of stay of demolition order dated 9th February, 2024 shall stand vacated after fortnight without any reference to this Court.

However, there shall be no order as to cost.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)