

Sl. No.02
11.11.2024
Suman
Ct. 15

WPA 28844 of 2023

Burdwan Homoeopathic Medical College and Hospital
Vs.
The State of West Bengal and Ors.

Mr. Uttiya Ray
Mr. Arnab Mandal
..for the petitioner

Mr. Pritam Chowdhury
Ms. Tanuja Basak
..for the State

Mr. Subrata Goswami
..for W. B. Heritage Commission

Mr. Subhasis Bandopadhyay
..for the Municipality

Mr. Monish Sen
Ms. Oisani Mukherjee
..for respondent no.9

Let the affidavit-in-opposition filed by
Respondent No. 9 be placed on record.

The petitioner alleges that Respondent No. 9
has undertaken demolition work at a temple named
“Mahantasthal,” which holds heritage status, located
at Rajganj, P.S. Burdwan, District Purba Bardhaman.
The petitioner contends that Respondent No. 9 has
demolished a portion of the heritage structure at the
aforementioned premises.

In contrast, learned counsel for Respondent No. 9 submits that the structure in question is an old building, and that only necessary repairs for its maintenance have been carried out.

On October 7, 2024, this Court requested the parties to suggest the name of an appropriate agency and conservation architect to supervise the restoration work. Today, learned counsel representing the West Bengal Heritage Commission has submitted a list of empanelled consultants of the Commission.

It is hereby ordered that the agency named “The Appropriate Alternative” 8, Central Road, Jadavpur, Kolkata-700032, shall undertake the necessary conservation and repair work under the supervision of the West Bengal Heritage Commission.

The petitioner has expressed willingness to bear the necessary costs for the conservation and repair work. Accordingly, all costs associated with the conservation and repair work shall be borne by the petitioner.

However, it is clarified that this order shall not be construed as a declaration of ownership of the petitioner over the premises in question.

The necessary conservation and repair work shall be completed within three months from the date of this order. All parties shall fully cooperate with the

agency appointed by this Court and with the West Bengal Heritage Commission.

It is further clarified that, should any dispute arise regarding the conservation and preservation work, the decision of the Heritage Commission shall be final and binding on all parties.

Additionally, this order shall not prevent the Burdwan Municipality from taking appropriate action regarding any unauthorized construction at the premises, in accordance with the law.

Accordingly, **WPA 28844 of 2023** 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.)