

25. 19.11.2025
Court No.03.
(M/L)
(Pritam)

WPA 1064 of 2025.

Amar Singha Seth & Ors.

-Vs.-

The English Bazar Municipality & Ors.

Mr. Ranojoy Chatterjee,
Mr. Tamal Singha Roy,
Mr. Subha Pathak.

....for the petitioners.

Ms. Sonal Sinha, Ld. AGP.,
Mr. Avishek Prasad.

.....for the respondent nos.1 & 2.

Mr. Ashoke Kumar Banerjee, Sr. Adv.,
Ms. Saswati Manna,
Mr. Sk. Mustafi Rahaman.

....for the respondent no.6.

1. The instant writ petition has been filed, *inter alia*, challenging an order dated 11th November, 2024, which has been captioned as an “Order of Demolition” issued by the Chairman, English Bazar Municipality for demolishing the old building.
2. On 10th November, 2025, this Court had adjourned the matter since the English Bazar Municipality was not represented.
3. Today, Ms. Sinha, learned Additional Government Pleader representing the respondent nos.1 & 2 has placed before this Court a document captioned as “Corrigendum” dated 4th August, 2025 and would

submit that since the respondent no.6 had made an application in writing dated 10th September, 2024, seeking permission to demolish the existing structure at holding No.60/61/93 in Ward No.19, the document dated 11th November, 2024, was issued. Though, according to her, the document dated 11th November, 2024, has been captioned as “Order of Demolition”, the same is, in fact, a No Objection Certificate issued by the municipality.

4. In response to a query as regards the locus of the petitioners to maintain the writ petition, the learned advocate for the petitioners has drawn the attention of this Court to the copies of the rent receipts issued in favour of the petitioner no.2 by the predecessor of the respondent no.6.
5. Mr. Banerjee, learned senior counsel representing the respondent no.6 would submit that receipts date back to a period in the year 2006 and no current rent receipt in respect of the other petitioners, have been produced.
6. Having heard the learned advocates and having considered the peculiar facts and noting that the rent receipts have been issued in favour of the petitioner no.2 way back in the year 2006 and up to the year 2022, I am of the view that at least petitioner no.2 has been able to establish that the petitioner no.2 has a locus to maintain the writ petition.

7. I, however, find that the writ petition has been filed apprehending dispossession on the strength of the order of demolition. In the light of the submissions made by Ms. Sinha representing the municipality in Court and the clarification offered by her that the aforesaid document dated 11th November, 2024 captioned as “Order of Demolition” should only be treated as a No Objection Certificate and it does not give any authority to the respondent no.6 to demolish the premises on the strength of any order passed by the municipality, I am of the view that the matter should be put to rest, leaving it open to the petitioners and the private respondents to thrash out other legal rights, if any, before the appropriate forum, if so advised.

8. The writ petition is, accordingly, disposed of.

(Raja Basu Chowdhury, J.)