

06.05.2025
Sl. No.11
akd

W. P. A. 4962 of 2025

[Salim Piada & Anr. -Vs- The State of West Bengal & Ors.]

Mr. Prantick Ghosh
Mr. Prasad Bhattacharyya
... .. for the petitioners

Ms. Ashmita Chakraborty
Ms. Neelanjana Ghorai
... .. for respondent no.5

Mr. Sirsanya Bandyopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag
... .. for the BMC

Mr. Ziaul Islam
Ms. Bineeta Bhattacharya
... .. for the State

1. On an earlier occasion, by order dated 22.04.2025, this Court had granted one week time to the petitioners to file an additional affidavit bringing on record any document to demonstrate the fact that the construction at the site is neither unauthorized nor illegal.
2. It is the case of the petitioners that no opportunity of hearing was afforded to them before passing of the demolition order.
3. Though this Court prima facie recorded in its earlier order that the present writ petition has been filed only to delay the implementation of the order dated 28.01.2025 passed by the Commissioner, Bidhannagar Municipal Corporation, a final opportunity was nevertheless granted to the petitioners to file their additional affidavit to substantiate their ground that there is no unauthorized construction at the site in question.

4. However, the petitioners have failed to file any supplementary affidavit.

5. The demolition order dated 28.01.2025 passed by the Commissioner, Bidhannagar Municipal Corporation, was rendered after affording an opportunity of hearing to all concerned parties. However, the petitioners despite being duly informed, abstained from appearing personally and chose instead to be represented by their family members.

6. In view of the said facts, this Court is not inclined to interfere with the impugned demolition order passed by the respondent-Bidhannagar Municipal Corporation.

7. Upon due consideration of the materials placed before this Court, it is evident that the present writ petition is devoid of any merit and the same is accordingly, dismissed.

8. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)