

21.05.2025
Sl. No. 18
Ct No. 3
SG

WPA 5804 of 2025

Ramnarayan Ray
Vs
The Uttarpara Kotrung Municipality & Ors.

Mr. Ayan Banerjee,
Ms. D. Dhamali,
Ms. R. Ghosh.

...for the petitioner

Mr. Siddhartha Banerjee,
Mr. Nikhil Kr. Gupta.

...for municipality

1. Affidavit-of-service is taken on record.
2. The petitioner is aggrieved by the show-cause notice dated 24.02.2025 issued by the respondent-municipality alleging unauthorized construction at holding no. 58, New Station Road, Ward No. 7, Uttarpara-Kotrung Municipality, Dist.- Hooghly.
3. It is the case of the petitioner that he is the absolute owner and resident of holding no. 58, New Station Road, Ward No. 7, Uttarpara-Kotrung Municipality, Dist.- Hooghly. His next door neighbour at premises no. 236, New Station Road, P.S.- Uttarpara was carrying out unauthorized construction in deviation of the sanction plan. At the instance of the petitioner the respondent-municipality passed a demolition order dated 08.09.2016. For the implementation of the said order the petitioner has

approached this Court and finally an order dated 21.01.2025 was passed in MAT 1757 of 2025. The Hon'ble Division Bench directed the respondent-municipality to implement the demolition order dated 08.09.2016 as per the direction of the learned Single Judge and also directed to initiate fresh proceeding to consider the aspect of illegal sanction of the building plan. The respondent-municipality was directed to pass a speaking order after affording opportunity of hearing to the concerned parties.

4. The respondent-Municipality issued a notice scheduling a hearing to examine the alleged illegal sanction of the petitioner's building plan. Pursuant to this, the petitioner received a notice dated 24.02.2025 in relation to his premises, alleging unauthorized construction. The said notice states that a complaint has been lodged, and in consequence thereof, the Municipality has issued a show-cause notice to the petitioner. Learned Counsel for the petitioner submits that the present proceedings have been initiated as a counter blast to the complaint previously filed by the petitioner against his neighbour. It is the petitioner's case that the construction in question was carried out strictly in accordance with a duly sanctioned building plan and has stood for over 30 years. The petitioner

has also been regularly paying property tax on the said building during this period.

5. The petitioner, being an octogenarian, has authorized his legal counsel to represent him in the proceedings before the Municipality. However, it is submitted that the concerned municipal officials have refused to permit representation through counsel and are insisting on the petitioner's personal appearance. Learned Counsel for the petitioner contends that, in view of the petitioner's advanced age, it would be extremely difficult for him to appear in person before the municipal authorities.

6. Learned Counsel for the respondent-municipality submits that the next of hearing is on 24.05.2025. He assures this Court that the petitioner's lawyer will be allowed to represent the petitioner at the time such hearing and that the officers concerned will not insist upon the personal appearance of the petitioner since he is a senior citizen.

7. In view of such submission, the present writ petition is disposed of with the direction that the municipality shall allow the nominated lawyer of the petitioner to represent on 24.05.2025 before the Uttara-Kotrung Municipality.

8. A copy of the complaint as mentioned in the respondent municipalities notice dated 24.02.2025 shall also be provided to the petitioner.

9. With the above direction, the present writ petition is disposed of.

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

11. There shall be no order as to costs.

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

(Gaurang Kanth, J.)