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18-06-2025
AKG
Ct. 15

WPA 10608 of 2025
Sri Rabindra Nath Bar
Vs.
The State of West Bengal & Ors.

Ms. Somoshree Saha
...for the Petitioner

Mr. Sudeep Sanyal,
Mr. Snehasis Jana,
Mrs. Tutun Das,
Mrs. Anulekha Bera Maity
...for the Private Respondent

Mr. Asish Kumar Guha,
Mr. Rajendra Chaturvedi
...for the State

Mr. Nilanjan Adhikari,
Ms. Oindrila Sinha
...for Respondent Nos. 2 to 4

The petitioner challenges an order of demolition dated April 11, 2025, passed under Section 218 of the West Bengal Municipal Act, 1993, by the Board of Councillors of Contai Municipality.

It appears that the said order was issued in compliance with an order dated January 2, 2024, passed in WPA 17542 of 2023 (Jharna Rath vs. State).

Learned counsel appearing for the petitioner submits that the inspection, based on which the impugned demolition order was passed, was conducted behind the back of the petitioner. It is further alleged that a copy of the inspection report was never served upon the petitioner.

It is also submitted that the demolition order dated April 11, 2025, was passed ex parte without hearing the

petitioner.

Learned counsel appearing for respondent no. 6, however, denies the allegations made by the petitioner and submits that the petitioner has raised unauthorised construction encroaching upon his land as well as land belonging to the Public Works Department of the State.

Learned counsel appearing for the Municipality submits that despite due notice being served upon the petitioner, he deliberately chose not to participate in the proceedings before the Municipality.

Without entering into the merits of the controversy raised before this Court, I am of the view that the petitioner ought to be granted liberty to avail the statutory remedy of appeal under Section 218(3) of the West Bengal Municipal Act, 1993.

In view of the above, the writ petition is disposed of with the following directions:

i) The petitioner is granted liberty to prefer an appeal before the appellate authority within two weeks from the date of this order.

ii) The appellate authority shall decide the appeal in accordance with law.

iii) There shall be a stay on the operation of the

demolition order for a period of two months from the date of this order.

iv) The continuation of the stay beyond the initial period of two months shall be decided by the appellate authority, uninfluenced by any observations made in this order.

Accordingly, **WPA 10608 of 2025** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)