

12.11.2025
sayandeep
Sl. No. 05
Ct. No. 03

WPA 15600 of 2025

Shyam Sel and Power Limited & anr.
Vs.
The Asansol Municipal Corporation & ors.

Mr. Sankarsan Sarkar
Mr. Shounak Mitra
Mr. Zulfiqar Ali Al Quaderi
Mr. Saptarshi Mandal
Mr. Yasah Singh
Mr. Aditya Sarkar

..... for the petitioners

Mr. Sounak Bhattacharya

..... for the
Asansol Municipal Corporation

1. Challenging demolition orders dated 7th December, 2023 and notice dated 10th July, 2025, the instant writ petition was filed. By an order dated 11th July, 2025, this Court had entertained the writ petition and had passed an interim order by observing as under:

1. "The petitioners, by way of the present writ petition, are challenging a demolition notice dated 7th December, 2023 as well as the notice dated 10th July, 2025, whereby the demolition of the alleged unauthorized construction is scheduled for 12th July, 2025.

2. It is the case of the petitioners that the petitioner no.1 is a subsidiary of Shyam Metalics and Energy Limited and forms part of the Shyam Metalics Group of Companies. The petitioner no.1, operates a factory/plant located at G-6, Mangalpur Industrial Estate, Raniganj, Paschim Bardhaman, which has been functional since the year 2002 and has employed more than 1000 workers. The said plant was originally within the jurisdiction of Raniganj Municipality and has now been transferred under the jurisdiction of the present respondent Municipality (Asansol Municipal Corporation).

3. Learned Senior Counsel for the petitioners, Mr. S. N. Mookherjee, states that all requisite permission and sanctions have been duly accorded from Raniganj Municipality for running of the said plant/factory. He further submits that on 3rd October, 2023, the Executive Engineer of the respondent Municipality directed the petitioners to produce certain documents. In response, the petitioner on 5th October, 2023 submitted all available documents except the Parcha and the sanction plan which were not readily available with the petitioners since the said sanction plan pertains to the year 2002. It is further submitted that the Executive Engineer had given a notice of hearing to the petitioners for 6th December, 2023 and subsequently the order dated 7th December, 2023 was passed by the Executive Engineer in a *suo motu* proceeding alleging that the construction of RCC building and structural shed is illegal and without any sanction plan.

4. Subsequently, the petitioners met the Mayor of the respondent Municipal Corporation and the Mayor of the respondent Municipal Corporation had directed joint inspection along with the Executive Engineer and the petitioners to be carried out. The petitioners waited for joint inspection notice but submits that no joint inspection was carried out.

5. The petitioners state that they do not file any proceeding against the earlier impugned order dated 7th December, 2023 since they were given the assurance by the Mayor of the Municipal Corporation that they are looking into the grievances and issues of the petitioners.

6. That the petitioners suddenly have been served with a notice for demolition dated 10th July, 2025 by the Secretary, Asansol Municipal Corporation. From the demolition order, it appears that the petitioners have constructed RCC building measuring 57492.06 sq. ft. and the structural shed measuring 261583.56 sq. ft. at the abovementioned site without any sanction plan. The subsequent demolition notice is no nothing but a reiteration of the earlier demolition order issued by the respondent Municipality.

7. The petitioners have drawn the attention of this Court to a receipt issued by the Raniganj Municipality dated 7th December, 2002 in favour of the petitioners for sanctioning of the plant wherein the petitioners had deposited an amount of Rs.76,350/- and have been issued a receipt.

8. All through the case of the petitioners is that the petitioners are not in possession of the sanction plan and have lost the same though the petitioners have been seeking the sanction plan from the

respondent Municipality but have not been handed over any document from the Municipality.

9. The documents also reveal that there were meetings between the parties where a joint inspection was to be carried out. However, no such joint inspection has ever been carried out and abruptly the petitioners have been served with a demolition notice dated 10th July, 2025 stating that demolition action will be taken on 12th July, 2025.

10. It is evident from the records that the petitioners have not challenged the earlier demolition notice dated 7th December, 2023 since they were given assurance by the Mayor, Asansol Municipal Corporation that only after a joint inspection, any subsequent action will be contemplated by the Corporation, though no such inspection could be carried out and the Corporation has issued the impugned demolition order dated 10th July, 2025.

11. This Court has asked Mr. Sounak Bhattacharya, who generally appears for the Asansol Municipal Corporation to assist this Court in the present writ petition. Mr. Bhattacharya states that he has not been served with the notice of the present writ petition. He further states that he has not received a copy of the writ petition.

12. Learned Senior Counsel for the petitioners is directed to supply a copy of the present writ petition to Mr. Bhattacharya.

13. The Asansol Municipal Corporation is directed to regularize the appointment of Mr. Bhattacharya in the present matter.

14. Mr. Bhattacharya seeks and is granted one week time to take instructions in the matter from his clients.

15. In the meantime, the demolition notices dated 7th December, 2023 and 10th July, 2025 shall remain stayed for a period of two weeks from date.

16. Interim order passed in this matter shall continue till 31st July, 2025 or until further orders whichever is earlier.

Let the matter be listed on 29.07.2025

2. Today, Mr. Bhattacharya, learned advocate representing the Asansol Municipal Corporation would submit on instructions that the Corporation does not wish to proceed with the notice dated 10th July, 2025 since the notice period was extremely short and accordingly they have not filed any

opposition. He, however, seeks liberty to proceed afresh against the petitioner.

3. Having heard the learned advocates appearing for the respective parties and noting that the above issue as to whether a part or portion of the factory of the petitioners situated at G-6, Mangalpur Industrial Estate, Raniganj, Paschim Bardhaman comprises of any illegal structure needs to be gone into by the municipality afresh especially in the light of the disclosure made by the petitioners that Raniganj Municipality had issued a receipt dated 7th December, 2002 acknowledging receipt of Rs. 76,350 towards sanctioning of the building Plans.
4. Having regard thereto, I set aside the order dated 7th December, 2023 and the notice dated 10th July, 2025. This order shall, however, not interfere with the rights of the municipal authorities to proceed afresh against the petitioner in accordance with law. It is made clear that in the event, any proceedings are initiated against the petitioners in relation to unauthorized construction of the factory premises of the petitioners at G-6, Mangalpur Industrial Estate, Raniganj, Paschim Bardhaman, such proceedings shall be disposed of upon giving opportunity of hearing to the petitioner and in accordance with law.
5. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)