

Sl. No.206
07.03.2025
Suman
Ct. 15

WPA 26118 of 2024
With
CAN 2 of 2025

Smt. Sandhya Biswas
Vs.
The State of West Bengal and Ors.

Mr. C. Pal
Mr. A. Dutta
Ms. Aditi Bhattacharya
Ms. Megha Datta
..for the petitioner

Mr. Dipanjan Datta, Sr. Adv.
Mr. Bhakti Prasad Das
Mr. Sayan Datta
..for the State

Mr. Tirthankar Dey
..for BMC

Mr. Subhayan Barik
..for respondent no.11.

The petitioner challenges a demolition order issued by the Commissioner of the Bidhannagar Municipal Corporation, communicated through a letter dated November 8, 2019, which appears at page 38 of this writ petition.

The learned advocate representing the petitioner argues that the demolition order is not sustainable because the inspection report, upon

which the order was based, was not served upon the petitioner. A perusal of the demolition order reveals that it relied upon an inspection report conducted with prior notice to the petitioner. However, it is evident that the inspection report was never provided to the petitioner.

Furthermore, it appears that, after the issuance of the demolition order, the Urban Development and Municipal Affairs Department issued Notification No. 889/UDMA-15011(24)/6/2023-LS-MA SEC dated December 4, 2023, which permits the regularisation of unauthorised constructions in certain circumstances.

In light of the above, the reasoned order dated November 8, 2019, at page 38 of this writ petition, is hereby set aside. The Corporation is decided to reconsider the matter afresh, ensuring that the petitioner is provided with a copy of the inspection report. Additionally, in light of notification no. 889/UDMA-15011(24)/6/2023-LS-MA SEC, dated December 4, 2023, the Corporation shall evaluate the possibility of regularising the unauthorised portion of the building.

This entire process is to be completed within one month from the date of communication of this order.

Accordingly, **WPA 26118 of 2024** along with **CAN 2 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)