

SL.18
20.01.2025
Court No.15
S. Gayen

WPA 30566 of 2024
Bhaskar Trivedi & Anr.
Versus
The State of West Bengal & Ors.

Mr. Atarup Banerjee
Mr. Sunny Bandy
Mr. Tamnal Singha Roy
...for the Petitioners.

Mr. Swarup Banerjee
Mr. Sajal Kumar Ghosh
Mr. Arindom Chatterjee
Mr. Arinjay Pal
...for the Respondent No.8.

Mr. Sounak Bhattacharya
...for the Asansol Municipal Corporation.

Mr. Sounak Sengupta
Ms. Akanksha Mukherjee
Mr. P. Bose
...for the ECL.

The petitioners challenge the demolition order dated December 10, 2024, issued by the Superintendent Engineer of the Asansol Municipal Corporation.

A plain reading of the impugned order reveals that the said officer relied on an inspection report prepared by a Surveyor of the Asansol Municipal Corporation, along with a Sub-Assistant Engineer of the same Corporation.

The Corporation could not deny the fact that the survey report was not served upon the petitioner. On this ground alone, the writ petition is allowed, and the order dated December 10, 2024, is set aside.

This shall not preclude the Corporation from issuing a fresh order after providing a copy of the inspection report to the petitioner, thereby enabling the petitioner to address the findings and participate in a fresh hearing.

This order shall not affect the pending civil suit between the parties, if any.

With the above observations and directions, WPA 30566 of 2024 stands disposed of.

Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all requisite formalities.

(Kausik Chanda, J.)