

29.01.2025
Item 12
Ct. 17
tbsr

WPA 31039 of 2024

Nemai Chandra Ghosh
Vs.
State of West Bengal & Ors.

Mr. Sourav Sen,
Ms. A. Chakraborty
....for the petitioner

Sk. Mujibar Rahaman,
Mr. Somnath Mukhopdhayay
....for the State

Mr. Nilanjan Bandyopadhyay
....for Chandannagar Municipal
Corporation

Mr. Suman Banerjee
....for the respondent nos. 7 & 8

Affidavit of service filed on behalf of the
petitioner is taken on record.

The State is represented.

Learned counsel appearing on behalf of the
petitioner submits as follows. The petitioner and the
private respondents are co-sharers in the property in
question. The share of each side has been well
demarcated. The private respondents thereafter
wanted to demolish their portion of the building to
construct a separate structure. By an order dated
01.03.2024 passed by a Co-ordinate Bench of this
Court in WPA 2697 of 2024, the Commissioner of
Chandannagar Municipal Corporation was directed to

decide the issue and permit further steps to be taken in the matter only after being satisfied upon obtaining report from the technical expert that no damage would be caused to the petitioner's property on account of the demolition to be undertaken by the private respondents. It is not clear whether such steps have been taken.

Learned counsel appearing on behalf of the Municipality denies the allegations and submits as follows. A technical report was obtained from an expert and the private respondents have been asked to go about it in a particular manner as per some guidelines so that no damage is caused to the petitioner's property. An indemnity has also been taken from the private respondents in this regard.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits that after the Municipality instructed his client's to take action in an appropriate manner and abiding by certain guidelines, necessary steps are being taken by the private respondents in this regard. Vibration free technology would be used to undertake the demolition work. The private respondents have also executed an indemnity in this regard before the Municipal authorities.

It appears that the directions passed by Coordinate Bench in WPA 2697 of 2024 are being complied with by the respondents.

Therefore, no further order need be passed in this regard.

As affidavits were not called for, the allegations made in the writ petition are deemed not to have been admitted.

With these observations, the writ petition is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance.

(Jay Sengupta, J.)