

18.06.2025
Sl. No.05
Ct No. 3
SG

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

W. P. A. 1193 of 2025

Nikhil Das
Vs.
Siliguri Municipal Corporation and Ors.

Mr. Dhiraj Lakhotia,
Ms. Madhushri Dutta,
Ms. Meghna Joshi,
Ms. Khushi Kundu.

... for the petitioner

Mr. Bijoy Bikram Das.

... for respondent no. 4

Mr. Sanjay Mazoomdar,
Ms. Sukanya Adhikary.

... for respondent no. 5

1. The Petitioner has preferred the present writ petition, seeking direction upon the respondent-Siliguri Corporation for consideration of his representation dated 06.05.2025.

2. The petitioner claims to be the absolute owner of a parcel of land measuring approximately 1/2 cottah, located at Sukanta Nagar, P.O. Rabindra Sarani, Khatian No. 646/1, Mouza- Dabgram, Sheet No. 12, Plot No. 433 within Ward No. 38 under the jurisdiction of Siliguri Municipal Corporation. The petitioner is running a scrap business on the said land under name of "*Loknath Kabari Shop*". One of the neighbours of the petitioner had instituted a writ petition being WPA 2425 of 2024 before this Hon'ble Court alleging unauthorized construction on the said premises. Vide order dated

26.11.2024 this Court disposed of the said writ petition by directing the respondent Municipal Corporation to consider the pending representation of the private respondent after affording an opportunity of hearing to all the concerned parties. In compliance with the said order, the respondent-Municipal Corporation, after affording an opportunity of hearing, passed an order dated 23.04.2025 directing demolition of the alleged unauthorized construction. Learned Counsel for the petitioner submits that no show cause notice was issued to the petitioner before passing the final order of demolition dated 23.04.2025. Aggrieved thereby, the petitioner filed a representation dated 06.05.2025 seeking reconsideration of the demolition order. However, no response has been received from the respondent-corporation.

3. Learned Counsel appearing for the respondent-Corporation submits that the corporation is ready and willing to consider petitioner's representation dated 06.05.2025.

4. In view of the statement made by the learned Counsel for the respondent-Siliguri Municipal Corporation, learned Counsel for the petitioner states that his client shall be satisfied if the aforesaid representation is decided within a time bound manner.

5. In view of the submissions made by the respective parties, this Court directs the respondent no. 2 to decide petitioner's representation dated 06.05.2025

within a period of eight weeks from the date of communication of this order after affording an opportunity of personal hearing to the petitioner as well as the private respondents or any other stakeholder by way of speaking order.

6. With the above directions, the present writ petition is disposed of.

7. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

8. There shall be no order as to costs.

9. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)