

07.04.2026
Item No.45
 Court No. 30
 MKP

WPA 7563 of 2026

Ajay Makharia And Ors

-vs-

The Asansol Municipal Corporation And Ors

Mr. Vivekananda Bose
 Mr. Ratikanta Pal

..... for the Petitioner

Mr. Sounak Bhattacharya
for the Asansol Municipal Corporation

Mr. Saptansu Basu, Sr.Adv.
 Mr. Abhirup Halder

.....for the Respondent no.10

- 1.** Affidavit of service filed be kept with the record.
- 2.** The writ application has been preferred challenging an order dated 23rd March, 2026.
- 3.** It is submitted by the Learned Counsel for the petitioner, that the impugned order has been passed without complying with the direction of the Coordinate Bench passed in WPA 23342 of 2025 being an order dated 10.02.2026.
- 4.** It is submitted that as directed by the Coordinate Bench in paragraph 2 of the said order, the petitioner has been provided with a copy of the complaint lodged by the private respondent. But, the inspection report passed

on which the order dated 9th September, 2025 was passed, which is a demolition order, has not been served upon the petitioner.

- 5.** It is thus submitted, that the impugned order is bad in law, as it has been done without complying with the order of the Coordinate Bench.
- 6.** Mr. Basu, Learned Senior Counsel for the private respondent submits that the order has been duly complied and the Municipality prays for an accommodation.
- 7.** Mr. Basu, further submits that he is the landlord of the property, wherein the petitioner being a tenant had made illegal construction and that has been directed to be demolished, as it was done without any sanction plan.
- 8.** Accordingly, the Learned Counsel for the Asansol, Municipal Corporation, submits that he has no instruction as to whether the inspection report has been served.
- 9.** Accordingly, considering the submissions made by all the parties and in order to avoid any delay in the present case, the impugned order dated 23rd March, 2026, is hereby set aside, with a direction upon the respondent Municipal Corporation to serve the copy of the inspection report upon the petitioner within 10(ten) days

from the date of the communication of this order and the authority concerned is at liberty, to decide the issue a fresh, on hearing all stakeholders, and by passing by a reasoned order, in accordance with law within 15(fifteen) days from the date of the communication of this order.

10. The writ application is **disposed of**.

11. The issue of maintainability of the writ application has not been gone into by this Court.

12. Applications, if any, connected thereto stand disposed of consequently.

13. Interim order, if any, stands vacated.

14. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

(Shampa Dutt (Paul), J.)