

27.12.2023
Item No.09
Court No.7.
J.B./ b.das

WPA 29068 of 2023

Mahabbat Ali Laskar & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Lal Mohan Basu ...for the petitioners.

Ms. Rupsa Chakraborty, ...for the State.

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

Despite service no one appears on behalf of the Maheshtala Municipality although the State is represented.

Learned counsel appearing on behalf of the petitioners submits as follows. The predecessor of the petitioners had obtained sanctioned plan from the Panchayat and build a shop room in the year 1991. The Maheshtala Municipality came into existence in the year 1993. After all these years and without due process of law, the Municipality has issued a notice dated 19.12.2023 directing demolition of the shop room belonging to the petitioners. No prior notice has been issued.

Learned counsel appearing on behalf of the State submits that the Maheshtala Municipality is the answering respondent.

It appears that a self-demolition notice was issued, failing which the Municipality would be taking appropriate steps.

Unfortunately the petitioners have also not annexed any document showing that any sanctioned plan was obtained from the earlier Panchayat.

Be that as it may, the Maheshtala Municipality is directed to hear the petitioners once before embarking upon a process to demolish the structure.

Let a hearing be given by the Municipality within three weeks from the date of communication of this order.

With these observations, the writ petition being WPA 29068 of 2023 is, accordingly, disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

The parties shall act on server copy duly downloaded from the official website of this Court.

(Jay Sengupta, J.)