

16.12.2021
SL No.9
Court No.1
(AJ/SM)

***Circuit Bench of Calcutta High Court
At Jalpaiguri
(Via video Conference)***

**MAT 65 of 2021
IA No. : CAN 1 of 2021**

**Sri Biplab Kumar Nandi & Anr.
-Vs-
Jalpaiguri Municipality & Ors.**

Mr. Kunaljit Bhattacharya,
Ms. Payel Choudhury.
... for the appellants.

Mr. Arukit Ghosh.
... for the respondent nos.7 & 8.

We have heard the learned Counsel for the parties.

On consent of the appearing parties the appeal and application are taken up together.

The writ petition was disposed of by the order 28th September, 2021.

In spite of service the Municipal Authorities are not represented.

The appeal is arising out of an order dated 28th September, 2021 in connection with a demolition proceeding taken out by the Jalpaiguri Municipality based on an order passed by the Block Land and Land Reforms Officer, Sadar Jalpaiguri.

We have perused the order under challenge. Although there is a statutory appeal provided under Section 218(3) of the West Bengal Municipal Act, 1993

before the court having jurisdiction regard been had to the fact that in our view it is an unreasoned order and it does not reflect the mind of the Chairperson.

We set aside the impugned order dated 18th February, 2021 and direct the Chairperson, Board of Administration, Jalpaiguri Municipality to pass a reasoned order after giving an opportunity of hearing of all the interested parties.

The entire proceeding shall be completed within a period of eight weeks from the date of communication of this order by passing a reasoned order which shall be communicated to the writ petitioners/appellants within one week thereafter.

The appeal being MAT 65 of 2021 and the connected application being CAN 1 of 2021 are, thus, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)

(Soumen Sen, J.)