

15.07.2026
Item No.
JPG 1
Saswata

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

WPA 1175 of 2026

**Binod Kumar Goel
Versus
Siliguri Municipal Corporation Ors.**

Mr. Suresh Kumar Mitruka
Mr. Aayush Mitruka
Mr. Anindya Halder
Ms. S. Chakraborty

...For the petitioner

Mr. Amales Ray, Sr. Adv.
Mr. Aman Gupta
Mr. Ishan Bhattacharya

...For the respondent nos. 4 and 5

Ms. Taniya Bhowmik

...For SMC

1. Affidavit of service filed in Court today is retained with the record.

2. Challenging the order dated 21st May 2026 passed by the Commissioner, Siliguri Municipal Corporation whereby he had particularly reviewed his earlier order dated 24th March 2026, as also the order dated 11th July 2026 whereby the Commissioner, Siliguri Municipal Corporation while modifying its previous orders, had authorized demolition of holding no. H/467/84/53 of ward no. 8 at Nayabazar, P.O. and P.S. Siliguri by observing that the observation contained in the previous order dated 24th March 2026 is inconsistent with the findings and conclusions recorded in the said order, which unequivocally hold

that the entire building is structurally unsafe, beyond repair and rehabilitation and requires complete demolition in the interest of public safety.

3. The matter, however, has a chequered history. The petitioner claims to be occupier / tenant in respect of a portion in the ground floor of the aforesaid holding and is making payment of rent to the rent controller. The petitioner is interested in retaining possession of the aforesaid portion in the said premises.

4. Mr. Ray, learned Senior advocate appears for the private respondents, the owners. In response to a query of this Court he submits that the owners are interested to develop the said property.

5. Mr. Mitruka, learned advocate appearing for the petitioner would submit that the petitioner is only interested in retaining possession and is not averse to the development of the aforesaid premises.

6. Having heard the learned advocates appearing for the respective parties and noting that the private parties are not averse to development of the said property, I am of the view that the private parties may sit together and work out the modalities under which the development of the said premises can be undertaken. Noting that the private respondents are ready and willing to file an undertaking before this Court to restore back the possession of the property

presently in occupation of the petitioner upon carrying out the development work, at the first instance to the petitioner without making over possession to any third party, I am of the view since there appears an opportunity for the parties to resolve the dispute, let the matter stand over so as to enable the private parties to work out the modality for the settlement.

7. List this matter under the same heading for further consideration on **17th July 2026.**

8. The parties are directed to maintain status quo till the next date of hearing.

(Raja Basu Chowdhury, J.)