

27.09.2024
Ct. No.02
Sl. No.09
AGM

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 2078 of 2024

**Dawa Lepcha
-versus-
The State of West Bengal & Ors.**

**Mr. Debasish Banerjee. (VC)
Mr. Arijit Ghosh.
Ms. Rikta Sarkar.
...For the Petitioner.**

**Mr. Regan Lama.
Mr. Sanjeev Kumar Gupta.
... for the respondent no. 3.**

**Ms. Supriya Singh.
... For the G.T.A.**

**Mr. Subir Kumar Saha. Ld. AGP
Ms. Rima Sarkar.
... For the State.**

The petitioner claims to be a resident of Darjeeling. He has described himself as the spokesperson and the convener representative of the People's Forum, Darjeeling.

He alleges that the Darjeeling Municipality is illegally approving construction of high-rise concrete structures all over the hilly region of Darjeeling. He further alleges that the Municipality is destructing the heritage buildings, cutting down natural vegetation,

polluting the natural scenery with concrete structures. The petitioner has annexed photographs in support of the submission that unauthorised construction is being permitted by the Municipality.

A complaint was lodged before the Municipality and the same is alleged to be kept pending.

Learned advocate representing the G.T.A. denies the allegation of the petitioner.

It has been submitted that the Mall road is intended to be made a hawker free zone. There is a proposal for construction of the hawker's market and extension of the chowrasta. The proposal is pending consideration at the end of the Darjeeling Municipality. It has been categorically denied that any high-rise is being raised by G.T.A.

It has been submitted that the petitioner is making all false and baseless allegations against G.T.A.

Learned advocate representing the police administration submits, upon instruction that, no construction is being made as alleged.

I have heard the submissions made on behalf of all the parties.

The petitioner relies upon a letter written by the Ward Commissioner of Ward No. 30 to the District Magistrate alleging unauthorised construction. The Ward Commissioner is a member of a particular

political party. The dispute in question is being given a political colour.

The Court is not inclined to enter into any dispute of facts.

The writ petition is disposed of by directing the Municipality to ensure that no unauthorised construction is made. In the event there is any proposal for construction, the same shall be considered in accordance with law.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)