

11-12-2023
Court No.3
g.b./S.A./01

**CALCUTTA HIGH COURT
CIRCUIT BENCH AT
JALPAIGURI
Appellate Jurisdiction**

W.P.A. 2845 of 2023

**Sukhdeo Prasad Gupta @ Jaiswal @
Sukhdev Prasad jaiswal & Ors.
Vs.
The State of W. B. & Ors.**

Miss Sidhi Sethia
Miss Rima Sarkar
.....For the Petitioners
Mr. Momenur Rahman
Mr. Nabankur Paul
.....For the State
Mr. Deborshi Dhar
....For Siliguri Municipal Corporation

The petitioners are the trustees of the Trust against which they have come before this court. They are the trustees from the year 1988. The Bhavan is running, according to the trustees, from the year 2014. The Trust was created in 1988. Now some of the trustees have come before this court as petitioners indicating the unauthorized construction of the building and having no renewed fire licence after 9 years.

It appears that this is an internal feud amongst the trustees. However, this matter shall definitely be looked into by this court and the matter is admitted subject to the condition that the petitioners have to deposit Rs. 1 lakh by ten days from date with the Municipal Corporation because when there was no

internal problem amongst the trustees, they never came before this court against the unauthorized construction of the building and the fire licence. Now they are trying to utilize the judiciary. Now the petitioners cannot take stand that they were holier than Thou and want all illegalities to be removed. Illegalities will definitely be removed, if there are any, but after deposit of the said amount.

As of now despite service nobody has appeared for the private respondents though the learned advocate for the Siliguri Municipal Corporation and the learned advocate for the State are present.

No ceremony or any private function for ceremony can be held in this premises until further order by this court.

The Municipality should issue a notice immediately and affix a notice immediately on the property with the order of this court. The persons who have already booked the building for holding there any function for marriage ceremony, they are given liberty to realize the cost which they have already paid to the Trust for booking the said building along with compensation from the Trust for which they can approach this court by filing application in connection with this writ application.

(Abhijit Gangopadhyay , J.)