

15.12.2023
Ct. No.3
Item No.5
g.b./S.A.

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

WPA 2845 of 2023

**Sukhdeo Prasad Gupta @ Jaiswal
@ Sukhdev Prasad Jaiswal & Ors.**

-vs-

State of West Bengal & Ors.

Ms. Rima Sarkar

Ms. Suparna Paul

...for the petitioners

Mr. Momenur Rahman

Mr. Nabankur Paul

...for the State

Mr. Raja Saha

Mr. Deborshi Dhar

...for Siliguri Municipal Corporation

Mr. Bikramaditya Ghosh

Ms. Supriya Singh

...for the respondent nos.8 to 11

Pursuant to the direction given by this court some tax bills have been produced under an affidavit affirmed on 15th December, 2023 in respect of the building in question. Uptil now the sanctioned building plan could not be found out by the Siliguri Municipal Corporation.

In such circumstances, I direct the Criminal Investigation Department (C.I.D.) to start an enquiry thoroughly and to question everybody who are in any official position today including the commissioner of the Municipality to interrogate and to find it out

where the building plan of the said old building of Siliguri town was required to be kept, how many such building plans of 1989 are there in the custody of the Siliguri Municipal Corporation and how the present plan is missing.

I direct the Superintendent of Police of C.I.D., Siliguri to put the record room under lock and key forthwith and to give a report in respect of the above questions to this court by two weeks from date. Before putting of the record room under lock and key by the C.I.D., nobody shall enter into the record room from now. For any purpose, for getting access to the record room, one short application is to be made to the C.I.D. by the Commissioner of the Siliguri Municipal Corporation and if C.I.D. gives permission in the presence of any of their officers, then only the Municipal Corporation Officials will get access to the said record room. This order shall remain in force for coming 21 days.

Accepting the submissions made by Mr. Bikramaditya Ghosh, learned advocate appearing on behalf of the present trustees, I make it clear that as the season of marriage in the society will continue till February, 2024 and as the building has already been booked by some families for holding their marriage and other ceremonies, till the final order is passed in this matter by this court the marriage and other

ceremonies can be held. But the sole responsibility, if any untoward incident happens in the said building, shall be on the trust and also on the party who has booked the building on contract for holding such marriage ceremony and other ceremonies. To this extent, the order passed on 12.12.2023 is modified as to holding the ceremonial functions in the said building.

The matter is marked as 'heard-in-part'.

I direct the department to send this file to the Principal Bench immediately and the matter is fixed for further hearing on 19th January, 2024 when the C.I.D. will file its report in respect of the points given above.

I direct the learned advocate for the Siliguri Municipal Corporation to communicate the direction given by this court to C.I.D. including sealing of the record room immediately.

The personal appearance of the Commissioner of Siliguri Municipal Corporation is dispensed with as of now.

The register of issuance of building plan is returned to the learned advocate for the Siliguri Municipal Corporation.

List the matter accordingly.

(Abhijit Gangopadhyay, J.)