

Item No.217

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

08.04.2021
Ct-24

W.P.A. 6161 of 2021
Ananta Samanta & Ors.
v
The State of West Bengal & Ors.

Mr. Uttiya Ray
... for the petitioners.

Ms. Rama Halder
... for the respondent no.8.

Affidavit-of-service filed in Court is taken on record.

The Court by an order dated September 23, 2019 passed in WP 18090(W) of 2019 directed the District Magistrate to take steps for demolition of the unauthorized construction in accordance with law.

It is the specific case of the petitioners that even though a portion of the unauthorized construction was demolished but thereafter the same has been reconstructed all over again without obtaining any sanction from the Gram Panchayat.

The petitioners thereafter made representations time and again praying for removal of the unauthorized construction but the same have not been considered by the respondent authorities till date.

The learned advocate appearing on behalf of the private respondent submits that the unauthorized construction has already been demolished. It has further been submitted that the petitioners themselves are occupying the portions of the water body by making unauthorized construction thereon.

None appears on behalf of the State respondents.

As it appears that there is already a direction upon the District Magistrate, Purba Bardhaman to take steps for removal of the unauthorized construction, and as the Additional District Magistrate (General), Purba Bardhaman has passed order on 19th December, 2019 for removal of the unauthorized construction, accordingly the instant writ petition is disposed of by directing the respondent no. 5 being the District Magistrate, Purba Bardhaman to ensure that all unauthorized construction over the water body is demolished strictly by maintaining the provisions of law. Such steps shall be taken at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

WPA 6161 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(**Amrita Sinha, J.**)

