

Court No. 24

12.04.2021

(Item No. 12)

(AB)

W.P.A 11049 of 2019

Ramesh Sonkar & Anr.

Vs

The State of West Bengal & Ors.

Mr. Uttiya Ray for the petitioners

Mr. Subhasis Bandyopadhyay
..... for the Municipality

Mr. Tapas Kumar Adikari
..... for the State

The petitioners pray for implementation of the order dated 21st January, 2019 passed by the Administrator, Burdwan Municipality and the S.D.O., Sadar (North), Burdwan in compliance of the direction passed by this Court in W.P. 21048 (W) of 2018.

By the said order the Municipality directed the private respondent to demolish the unauthorized construction within fifteen days from the date of receipt of the order, otherwise the same will be demolished by the officials of the Burdwan Municipality and the cost of demolition will be recovered as per Municipal norms.

The private respondent challenged the order of demolition in a writ petition being W.P. No. 2808 (W) of 2019 and by an order dated 15.02.2019 the writ petition stood dismissed on the ground of availability of alternative remedy.

The petitioners have annexed an information slip from the Court of the learned Civil Judge (Junior Division), 2nd Court at Burdwan wherein specific

query was made whether any appeal under Section 218(3) of the West Bengal Municipal Act, 1993 has been filed challenging the order passed by the Administrator of the Municipality. On 15th June, 2019 information was given that no appeal has been filed by the private respondent herein.

None appears on behalf of the private respondent despite service. The affidavit of service shows that the copy of the writ petition was refused by the private respondent. However, notice issued by the learned advocate for the petitioners in April, 2021 was received.

In view of the fact that no appeal has been preferred against the order of demolition, the same has attained finality.

Accordingly, the Burdwan Municipality shall take necessary steps in terms of their order dated 21st January, 2019 and demolish the unauthorized construction and recover the cost of such demolition, as per the Municipal norms, from the private respondent herein.

The Municipality shall ensure that the unauthorized construction is demolished, strictly in accordance with law, within a period of four months from the date of communication of a copy of this order.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)