

Item No.9

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

16.04.2021
Ct-24

W.P.A.11118 of 2019
Smt. Debi Dey
v
The State of West Bengal & Ors.

Mr. Siddhartha Sarkar
... for the petitioner.

Mr. Tapas Kumar Adhikari
... for the State.

The petitioner prays for execution of the demolition order passed by the Kamarhati Municipality. It appears from records that pursuant to a direction passed by this Court the Kamarhati Municipality initiated proceedings under the West Bengal Municipal Act, 1993 and have arrived at a considered opinion that the unauthorized construction beyond the sanctioned building plan shall be demolished.

The private respondent herein by a communication dated February 25, 2019 was directed by the Kamarhati Municipality to demolish the unauthorized construction within seven days. The same has not been implemented till date.

As it appears that the private respondent has not taken any steps for demolition of the unauthorized

construction beyond the sanctioned plan accordingly, it will be open for the Kamarhati Municipality to demolish the unauthorized construction and recover the charges for the same from the person responsible for making such unauthorized construction, as permissible in law. Steps shall be taken by the Kamarhati Municipality to execute the order at the earliest, but positively within a period of sixteen weeks from the date of communication of a copy of this order. The Municipality shall afford a further opportunity of hearing to the private respondent, if required.

WPA 11118 of 2019 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.**)