

Court No. 24

22.01.2021

(Item No. 16)

(AB)

W.P.A 8682 of 2020

Ashish Kumar Sarkar

vs

Balurghat Municipality & Ors.

Mr. Anami Sikdar

Mr. Abhijit Boral

...for the Petitioner

Mr. Rajarshi Basu

.... for the State

Mr. Srijan Nayak

Ms. Rituparna Maitra

.... For Balurghat Municipality

The petitioner is aggrieved by the demolition notice under Section 218 of the West Bengal Municipal Act, 1993 for illegal construction issued by the Executive Officer of the Balurghat Municipality by memo No. 1371/PW-9 dated 12th October, 2020.

A cursory glance of the said demolition notice reveals that the illegal construction alleged to have been made is not specifically mentioned in the said notice. Until and unless the petitioner is made aware of the specific illegal construction which he is making or he has made, it will not be possible for him to take steps for demolition of the same. The impugned demolition notice is absolutely vague and devoid of the necessary particulars.

In view of the above, the impugned notice dated 12th October, 2020 is set aside. The

Municipality may proceed against the petitioner strictly in accordance with law, if so, advised.

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.)