

AD. 39.
February 4, 2021.
MNS.

W. P. A. 9713 of 2020
(**Via video conference**)

Pratima Devi Mehta
Vs.
The State of West Bengal and others

Mr. Kamalesh Bhattacharya,
Mr. Goutam Misra

... for the petitioner.

Mr. Ranajit Chatterjee,
Ms. Manisha Nath

...for the KMC.

Mr. A. Salam

...for the State.

Affidavit-of-service filed in Court today be
taken on record.

Despite service, none appears on behalf of
the private respondent, although the petitioner,
the State and the Kolkata Municipal Corporation
are represented through counsel.

Learned counsel appearing for the
petitioner contends that the private respondent
has illegally constructed a wall within the shop
room of the petitioner, thereby obstructing the
business of the petitioner.

It is further submitted that, despite being approached, the police authorities are not taking any steps in aid of demolition of the wall by the petitioner.

Learned counsel appearing for the KMC submits that the wall was constructed illegally; but it could not be demolished since, when the officials of the KMC visited the site, the shop room was locked by a shutter.

In view of the rival contentions raised in the present writ petition, particularly since it is admitted by the KMC that the construction-in-question is illegal, the Officer-in-Charge of the Gariahat Police Station ought to have assisted the petitioner in demolishing the illegal construction.

Accordingly, W. P. A. 9713 of 2020 is disposed of by directing the respondent no. 3 to provide necessary assistance and police protection to the petitioner for demolishing the illegal construction made in the petitioner's shop room at the premises-in-question.

The petitioner shall intimate the appropriate officials of the respondent no. 4 well in advance before undertaking such demolition work. On the appointed date, in the event the

petitioner faces any obstruction from the private respondents in demolishing such illegal construction, the petitioner as well as the attending officials of the respondent no. 4 shall be at liberty to approach the respondent no. 3 immediately for adequate police protection. Upon such an approach is being made, respondent no. 3 shall grant full assistance in demolition of the illegal construction.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

