

19.01.2021
SL No.9
Court No.24
(P.M.)

WPA 10395 of 2020

Anupam Samanta.
Vs.
The State of West Bengal & Ors.

Mr. Sarwar Jahan,
Mr. Sumanta Das
... for the petitioner

Mr. Sankar Halder
... for the respondent No. 2 and 3

Ms. Malabika Roy Dey
... for Private respondent No. 5

Mr. Bhaskar Prasad Vaisya
Mr. Arindam Chattopadhyay
..... for the State

The petitioner prays for implementation of the order dated 22nd September, 2020 passed by the Board of Administrator of Krishnanagar Municipality directing the private respondent to demolish the illegal construction made over the boundary wall at North Gar Lane, Ward No. 13 under Krishnanagar Municipality.

The learned advocate representing the private respondent submits that no construction was made over the boundary wall as mentioned in the order of demolition. Submission has also been made that only a tin construction was made and that cannot be considered to be as an illegal construction.

It has further been submitted that an objection against the order of demolition has been filed by the private respondent and the Municipality has taken into

consideration the said objection and has inspected the site on 18th December, 2020.

The learned advocate for the Municipality submits that there is an illegal construction and accordingly a direction has been passed for demolition of the same.

The learned advocate appearing on behalf of the State respondent submits that an inspection was carried out and illegal construction has been found in the site.

As it appears that the Municipality has already inspected the site and has come to a specific finding that there is illegal construction without the sanction plan, as such the Municipality is bound to execute the order of demolition that was passed on 22nd September, 2020.

Accordingly the instant writ petition is disposed of by directing the Krishnanagar Municipality to take necessary steps for implementation of the order of demolition passed on 22nd September, 2020, strictly in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The police is directed to render all necessary assistance at the time of demolition on the request of the Krishnanagar Municipality.

WPA 10395 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)