

19.02.2021
Ct. 24
D/L 16
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 10900 of 2020
(Via Video Conference)

Shakti Malik
-Vs-
The State of West Bengal & Ors.

Mr. Soumajit Bhatta,
Mr. Prasenjit De,

... for the petitioner

Mr. Suman Basu,
Mr. Kaustav Chakraborty,
... for the Chandannagar Municipal Corporation

Mr. Mahim Sasmal,
... for the respondent Nos. 8 & 9

The petitioner alleges illegal and unauthorized construction being made by the respondent Nos. 8 and 9 in front of the holding No. 196, Kalupukur Road (South), Ward No. 10, under Chandannagar Municipal Corporation.

The specific allegation of the petitioner is that the construction has been made in front of the premises of the petitioner on the public road. The land where the construction has been made belongs to the Corporation.

The learned advocate for the petitioner submits that on receipt of the complaint filed by the petitioner, the parties were directed to appear before the Corporation and an order was passed by the

Corporation directing the private respondents to remove the unauthorized construction.

A copy of the communication dated 21st December, 2020 written by the Secretary, Chandannagar Municipal Corporation to the private respondents has been handed over in Court, wherefrom it appears that the Corporation has come to a definite conclusion that the construction has been made over the road belonging to the Corporation, without obtaining any permission from the authorities. The Corporation has treated the construction to be an unauthorized one and directed the private respondents to remove the same within seven days from the receipt of the said communication.

The learned advocate representing the private respondents denies that any construction has been made over the Corporation road. It has been submitted that temporary construction has been made in the private land of the parties.

Upon hearing the submissions made on behalf of the parties, it appears that the Chandannagar Municipal Corporation has already inspected the site and has come to a definite conclusion that the construction has been made over the Corporation land and, accordingly, directed the private respondents to remove the same within seven days from the receipt of the communication. The private respondents in spite of receipt of the said communication from the Chandannagar Municipal Corporation, has not taken any steps to act in accordance with the direction passed therein.

Accordingly, the Chandannagar Municipal Corporation is directed to take steps to remove the unauthorized construction in accordance with the provisions of law within a period of 12 weeks from the date of communication of a copy of this order. The charges for removal of the said unauthorized construction shall be recovered from the persons responsible for making such unauthorized construction.

The respondent No. 7, being the Inspector-in-Charge, Chandannagar Police Station at Strand Road, Barabazar is directed to render all cooperation to the officers of the Chandannagar Municipal Corporation at the time of removal of the illegal construction, as directed hereinabove.

WPA 10900 of 2020 stands disposed of.

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

(Amrita Sinha, J.)