

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
(Via Video Conference)**

**MAT 8 of 2021
IA No: CAN 1 of 2021**

**Sri Shyamal Sarkar
Vs.
The Coochbehar Municipality and others**

Mr. Debabrata Dhar,
Mr. Prodyut Kumar Roy,
Mr. S. Sarkar

..... for the appellant

Mr. Santanu Chatterjee

....for the Coochbehar Municipality

Mr. Suman Sehanabis Mandal,
Mr. Arpita Saha

... for respondent nos.4,6 and 7

Mr. Subir Kumar Saha,
Mr. Pretom Das

.... for the State

On consent of parties, the appeal
and application are taken up together.

An innocuous prayer is made by
learned counsel for the appellant. It is
submitted that the appellant is a senior
citizen and is residing at a rented
accommodation with much difficulty.
Hence, since admittedly the structure-in-
question was illegal, the appellant wants

to demolish the same by himself within a month from date in order to obviate the delay of five months, which was granted to the Municipality to undertake such demolition.

Learned counsel appearing for the private respondents expresses concern that such demolition may affect the private respondents' portion of the property.

However, learned counsel appearing for the Municipality has no objection to such demolition by the appellant himself.

Upon hearing the parties, we are of the opinion that, in the event any illegal demolition of the private respondents' building is done by the appellant, it is always open to the private respondents to approach the appropriate authorities for an order of restraint of such demolition. Having such liberty, the private respondents have no *locus standi*, in our opinion, to stand in the way of the submission of the appellant, particularly in view of the Municipality itself having agreed to it.

MAT 8 of 2021 along with CAN 1 of 2021 are disposed of by directing the appellant to demolish the illegal building-in-question within one month from date. On failure to do so, the Municipality shall take immediate steps for implementation of the order of the learned Single Judge. The impugned order is modified accordingly.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda J.)