

11.05.2022
Sl. No.18
srm

W.P.A. No. 1745 of 2022

Kabita Mandal

Versus

The Ghatal Municipality & Ors.

Mr. Tanmoy Mukherjee,
Mr. Koushik Roy

...for the Petitioner

Mr. Swarup Kumar Ghosh

...for the Municipality.

Two affidavits-of-service have been filed before this Court which indicate that the respondent No.6 has been served with a copy of the writ petition as also a notice indicating that the matter will be mentioned for early hearing.

The petitioner seeks implementation of the order passed by the Board of Administrators of the Ghatal Municipality dated November 23, 2021. Pursuant to a direction of this Court, a demolition proceeding was drawn up by the authorities. The petitioner as also the respondent No.6 was heard. The authorities held that although a sanction plan was granted to the respondent No.6 for construction, the shop room named and styled as "Swapna Ladies Garment" which was constructed on RS Plot No.192

of Mouza-Konnagar, Ward No.16 of the said municipality, did not have a sanction from the municipality. Accordingly, the Board of Administrators decided that the said shop having been found to be unauthorised must be demolished by the respondent No.6, within 15 working days from the receipt of the order.

The petitioner submits that although the order was passed sometime in November, 2021, the construction has not yet been demolished and the municipality has also not taken any steps in this regard.

Having considered the submissions of the petitioner as also the municipality, this Court is of the view that the municipality must take necessary steps to ensure that the order of demolition is implemented in accordance with law, upon granting one last opportunity to the respondent No.6.

Needless to mention, that this order shall be operative only if an appeal from the order of demolition has not been preferred by the respondent No.6 in accordance with the provisions of the West Bengal Municipal Act, 1993.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)