

Item No. 151(ML)

20.07.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8718 of 2021
Chowdhury Abul Hasnat & Anr.
v.
The State of West Bengal & Ors.

Mr. Avik Dutta
Mr. Syed Julfikar Ali
... for the petitioners.

Mr. Wasim Ahmed
... for the State.

Mr. Subhasis Bandopadhyay
... for the Municipality.

Mr. Syed Nasirul Hossain
... for the respondent no. 11.

The petitioners pray for implementation of the order passed by the Executive Officer, Burdwan Municipality signed on February 9, 2021 and communicated to the petitioner by a communicating letter dated February 23, 2021.

By the said order, the Burdwan Municipality directed the person responsible to demolish the unauthorized construction within a stipulated time period, failing which, demolition will be made by the Municipality and the costs of demolition to be recovered from the person responsible.

Learned advocate representing the Municipality seeks time for implementation of the said order.

Learned advocate for the private respondent submits that the construction was made in accordance with the plan sanctioned, within the stipulated time period.

It has further been submitted that the order of demolition was passed without giving an opportunity of hearing to the person responsible.

The order which the petitioners seek to be implemented clearly mentions that the matter was fixed for hearing after giving proper notice to all concerned. The matter was heard in presence of both the parties and as the person responsible failed to furnish any satisfactory reply with regard to the unauthorized construction, the order of demolition has been passed.

It appears from the submissions made on behalf of the parties that as on date there is no order cancelling/staying operation of the order of demolition.

In view of the above, the Municipality is bound to execute the order that has been passed.

On the prayer of the Burdwan Municipality, time to implement the order of demolition is extended for a period of eight weeks from date.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)