

16
09.11.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 20912 of 2022

**Srimati Lipika Biswas
-versus
The State of West Bengal & Ors.**

**Mr. Mrinmoy Mohan Barat.
...For the Petitioner.**

**Mr. Partha Pratim Roy,
Mr. D. Banerjee.
...For the Respondent
Nos. 6 and 7.**

**Mr. Sankar Halder.
...For the Respondent
Nos.2 to 11.**

**Ms. Sudipa Ray,
Mr. Srinath Singha Roy.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner prays for implementation of the order dated 16th November, 2021 passed by the Krishnanagar Municipality directing the person responsible to demolish the illegal and unauthorized construction of the second floor as the same was constructed without obtaining any plan sanctioned from the Municipality.

Learned advocate appearing for the Municipality submits that the order of demolition could not be implemented for want of police force.

It has, however, been candidly submitted before the Court that no application was made before the police authority for police posting at the time of implementation of the order of demolition.

Learned advocate appearing for the respondent Nos. 6 and 7 submits that his clients though received the notice of hearing but was unable to appear on the date of hearing.

It has been submitted that the order of demolition communicated by letter dated 16th November, 2021 was not served on them. The private respondents got the knowledge of the aforesaid order after receiving copy of the writ petition.

It appears from the submissions made on behalf of all the parties that the order of demolition was passed after giving reasonable opportunity of hearing to all the necessary parties. The said order dated 16th November, 2021 has not been implemented till date. Nearly one year will elapse from the date of the said order.

It is high time that the Municipality implements the order of demolition at the earliest, but positively within a period of four weeks from the date of communication of a copy of this order.

The Municipality will be at liberty to seek police assistance from the jurisdictional police station.

In the event a request is made by the Municipality before the police, then necessary assistance shall be provided by the police to ensure that the order of demolition is duly executed.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)