

19.05.2022
Sl. No.21
srm

W.P.A. No. 22620 of 2019

Ranjit Mondal & Anr.

Versus

The State of West Bengal & Ors.

Mr. Uttiya Ray,
Mr. Arnab Mandal

...for the Petitioners.

Mr. Manas Kumar Kundu

...for the State-respondents.

Mr. Santanu Chatterjee

...for the Respondent Nos.2 to 4.

The petitioners claim enforcement of an order of demolition passed by the Assistant Engineer, Asansol Municipal Corporation dated June 20, 2019. According to the petitioners, the Asansol Municipal Corporation had filed a report on an earlier occasion, in respect of the selfsame construction and a learned co-ordinate Bench of this Court had directed the Corporation to act in terms of Section 266 of the West Bengal Municipal Corporation Act 2006. The proceeding was directed to be concluded within 12 weeks from the date of passing of His Lordship's order. Upon disposal of such writ petition, the proceedings were initiated and a demolition order has been passed upon Sri Madhusudan Mondal, the respondent No.5.

It is submitted by Mr. Ray, learned Advocate appearing on behalf of the petitioners, that despite three attempts to serve the writ petition upon the respondent No.5, Madhusudan Mondal, the postal authorities have failed to deliver the postal articles at the address and the postal endorsement as per track report is addressee "absent" and "door locked". Affidavits-of-service are taken on record.

Mr. Chatterjee, learned Advocate for the Asansol Municipal Corporation, submits that whether self-demolition had been effected by the respondent No.5 or not, needs be ascertained and thereafter, if such unauthorised construction is still detected upon an inspection, the Corporation shall act and proceed in accordance with law and execute its own decision.

Under such circumstances and especially because the respondent No.5 is not present before the Court, the writ petition is disposed of with a direction upon the competent authority of the Asansol Municipal Corporation, to cause an inspection of the premises situated at 1st lane, Hill View North under Ward No.6 (old), Word No. 49(new), corresponding to Holding No.803B, in the presence of the parties. Such inspection will be made with the help of the records of the demolition proceeding, in order to ascertain whether the

unauthorised construction, had been demolished as per the order, by the respondent No.5 or not.

If such demolition order has not been implemented and the respondent No.5 cannot satisfy the Corporation that the demolition order had either been stayed or set aside by a superior forum, a month's time shall be given to the said respondent, by the corporation, to effect the demolition. On the failure of the respondent No.5 to complete the demolition work as directed during the aforementioned period, the Corporation shall take all necessary steps to implement the order dated June 20, 2019, within a period of two months thereafter.

If the Corporation requires police assistance, the Corporation shall seek the same from the local police station and the local police station shall render all cooperation.

This 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.)