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12.12.2022
d.p.

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

W.P.A 11682 of 2020

**Jaba Chandra
-versus
The Board of Councillors, South Dum Dum
Municipality & Ors.**

**Mr. Subir Sanyal,
Ms. Sumouli Sarkar.
...For the Petitioner.**

**Mr. N.C. Bihani,
Ms. Papiya Banerjee Bihani,
Mr. Soumyajit Ghosh.
...For the Municipality.**

None appears on behalf of the private respondents in spite of service.

The petitioner complains of unauthorized construction at the instance of the private respondents.

On an earlier occasion, on the complaint filed by the petitioner, an order of demolition was passed by the South Dum Dum Municipality in the year 2016. The said order of demolition was challenged before this Court.

The Hon'ble Single Judge and the Hon'ble Division Bench dismissed the case and directed the Municipality to demolish the unauthorized portion.

The petitioner has submitted that the demolition was done, but after the demolition the private respondents have again raised illegal construction thereon without leaving the mandatory side open spaces.

The representation filed by the petitioner in August 2020 is pending consideration till date.

Learned advocate appearing for the Municipality submits that the Municipality already passed the order of demolition and executed the same. Allegation is that the private respondents have again made unauthorized construction. The same will appropriately be dealt with by the Municipality.

Prayer has been made for permitting the Municipality to recover the cost of demolition from the person responsible for making unauthorized construction.

As it appears that the representation filed by the petitioner alleging illegal construction is pending consideration since August 2020 accordingly, the present writ petition is disposed of by directing the Board of Councillors, South Dum Dum Municipality to cause a spot inspection upon prior notice to the parties to ascertain as to whether any unauthorized construction being made by the private respondents.

In the event it is found that construction has again been made after demolition of the earlier construction, then necessary steps shall be taken to deal with the same in accordance with law.

It will be open for the Municipality to recover the cost of demolition from the person responsible.

The Municipality shall ensure that the entire exercise is conducted at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

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.)