

Item No.60

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

14.06.2023
Ct-24

WPA 2748 of 2023
Haran Bag & Anr.

v.

The State of West Bengal & Ors.

Ms. Pampa Dey Dhabal
... for the petitioners.

Mr. Lalit Mohan Mahata
Mr. Rudranil De
... for the State.

Mr. Raghunath Chakraborty
Mr. M. Ahmed
... for the Municipality.

Mr. S. Mukherjee
... for the respondent no. 7.

The petitioners are aggrieved by the inaction on the part of the Maheshtala Municipality to execute the order of demolition.

It appears that in December 2022 after affording hearing to all the parties including the private respondents, the Board of Councillors of Maheshtala Municipality resolved that the person responsible should demolish the unauthorized construction.

It appears that the order of demolition was served in February 2023 but due to unavailability of requisite police force, the same could not be implemented. Further notice was issued that the municipal team will proceed on May 30, 2023 to demolish the subject construction. The same has also not been complied.

The petitioners pray for implementation of the order of demolition.

Learned advocate representing the private respondent no. 7 is not ready in the matter.

Learned advocate representing the Municipality submits that steps shall be taken to execute the order of demolition.

As it appears that on two earlier occasions the Municipality failed to execute the order of demolition, accordingly, it is high time that the Municipality take steps for effective execution of the order of demolition.

The Municipality is, accordingly, directed to execute the order of demolition positively by July 31, 2023.

The Officer-in-Charge, Maheshtala Police Station is directed to render all necessary assistance to the men and agents of the Maheshtala Municipality at the time of execution of the order of demolition. If required, the Officer-in-Charge, Maheshtala Police Station may seek additional police force from the superior authority for implementation of the order of demolition.

The private respondents are directed to take immediate steps for vacating the subject premises as the same is an unauthorized construction suffering an order of demolition.

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.

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(Amrita Sinha, J.)