

21
01.05.2023
d.p.

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

W.P.A 3515 of 2021

**Sudip Kumar Hazra
-versus
Midnapur Municipality & Ors.**

**Mr. Fazlul Haque.
...For the Petitioner.**

**Mr. Sujoy Bandyopadhyay,
Mr. Shambhu Mahata,
Mr. Jaga Jyoti Das.
...For the Municipality.**

The petitioner submits that his prayer seeking permission for setting up of temporary plywood partitions in the hall room of the ground floor of the building named “Akashdeep Apartment” at holding no.216/248/1, Rabindranagar, P.S.-Kotwali, Ward No.7 under the Midnapur Municipality is pending consideration.

It appears from the documents annexed to the writ petition that construction made at the instance of the petitioner in the ground floor of the subject structure was held to be unauthorized. The petitioner was directed to demolish the unauthorized construction way back in 2019.

A communication was made by the Midnapur Municipality to the petitioner on 18th January, 2021

mentioning that the unauthorized construction was yet to be demolished.

Learned advocate appearing for the petitioner submits that the unauthorized construction has been long demolished.

Learned advocate appearing for the Municipality is yet to receive instruction as to whether the unauthorized construction has been demolished or not.

Instead of keeping the writ petition pending, the Court is minded to dispose of the same in the following manner.

The Municipality shall cause a spot inspection to ascertain as to whether the unauthorized construction has been demolished or not.

In the event the same has not been demolished till date, then steps shall be taken to demolish the same at the earliest.

After demolition of the unauthorized construction, the Municipality shall consider the prayer of the petitioner for setting up of temporary plywood partition wall, as prayed for.

The writ petition accordingly, 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.)