

Item No.19

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

20.04.2023
Ct-24

WPA 3402 of 2023
Bachhu Das

v.

The Panihati Municipality & Ors.

Ms. Oindrila Ghosh
Ms. Naquiba Tasheen
Ms. Sanageeta Singh
... for the petitioner.

Mr. Soumyajit Bhatta
... for the Municipality.

The petitioner is aggrieved by the order passed by the Panihati Municipality directing demolition of the illegal construction.

The petitioner submits that according to the provisions of law, the Chairman is not the competent authority to pass such order. The order of demolition may be passed only by the Board of Councillors of the Municipality.

Learned advocate representing the Municipality has produced documents before this Court to show that the Board of Councillors resolved and took a decision, after hearing both the parties, for demolition of the illegal construction. The resolution of the Board of Councillors to demolish the illegal construction has been communicated to the petitioner by the forwarding letter of the Chairman.

It does not appear that the impugned order has been passed without jurisdiction.

The order in question is an appealable one.

It will be open for the aggrieved party to approach the appellate forum, in accordance with law, if so advised.

The writ petition stands disposed of.

Documents produced by the learned advocate representing the Municipality are taken on record.

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

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.)