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Ct No 2023
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AGM

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

WPA 3826 of 2023

**Sri Tapan Kumar Ghosh
Vs
Ranaghat Municipality & Ors.**

Mr. Chandrachur Chatterjee
Ms. Adrisnata Chakraborty
... For the petitioner.

Mr. Raghunath Chakraborty
Mr. Mahaboob Ahmed
... For the Private respondenet.

Mr. Achintya Kr. Banerjee
Ms. Indumouli Banerjee
... For the Ranaghat Municipality.

Ms. Mohuya Dutta Biswas
... for the respondent No. 5.

The petitioner complains of illegal and unauthorised construction at the instance of the respondent no. 6.

The petitioner submits that objection filed against such unauthorised construction has not been considered by the Ranaghat Municipality till date.

Learned advocate representing the private respondent submits that demolition work is being done pursuant to the notice of demolition issued by the Ranaghat Municipality.

A copy of the notice dated 16th January, 2023 issued by the Municipality in favour of the private respondent has been handed over in Court. The same is taken on record.

It appears therefrom that the said notice was issued

under Section 223 of the West Bengal Municipal Act, 1993 directing the private respondent to demolish the building as the same is in dangerous, ruinous state and unfit for human habitation.

The notice mentions that an inspection was conducted by the technical staff and on being found that the building is in a dangerous and ruinous state the private respondent was directed to demolish the same without damaging the adjacent building as well as without blocking the Municipal lane and with proper precaution, so that no person may be injured.

The private respondent categorically denies that any construction is being made at present.

Learned advocate representing the Municipality submits, upon instruction that, keeping in mind the dangerous and ruinous condition of the building, the private respondent has been directed to demolish the same after maintaining necessary precaution. The Municipality is not aware of any construction being made at the subject premises at present.

In view of the above submissions, it appears that the allegation of the petitioner relating to unauthorised construction remains unsubstantiated.

The writ petition fails and hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)