

Item No.13

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

10.04.2023
Ct-24

WPA 4307 of 2023
Col. (Dr.) Sunanda Majumdar
v.
The Hon'ble Mayor, Bidhannagar Municipal
Corporation & Ors.

Mr. Ratul Das
Mr. Pourush Bandyopadhyay
Mr. Joydeev Medhi
... for the petitioner.

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
Mr. Tirthankar Dey
... for BMC.

Mr. Debajyoti Deb
Ms. Somdyuti Parekh
... for the respondent nos. 4 & 5.

The petitioner seeks implementation of the direction passed in the reasoned order by the Executive Engineer (Building Plan), Bidhannagar Municipal Corporation communicated to the petitioner and the private respondents by communicating letter dated November 23, 2021.

Certain portions of the construction in question was directed to be demolished. The Executive Engineer was of the opinion that the constructions were made beyond the sanctioned plan. Four weeks' time was granted for demolishing the unauthorized construction. The said order is yet to be implemented.

Learned advocate representing the private respondent nos. 4 and 5 submits, upon instruction that, an appeal was preferred before the Mayor of the Corporation and the Mayor heard the parties on a couple of occasions and final order is awaiting.

Learned advocate representing the Bidhannagar Municipal Corporation submits that the Mayor does not have the authority to reconsider the matter. The Mayor is not the appellate authority of the impugned order.

It has been submitted that a request has been made for and on behalf of the Executive Engineer (HQ) and Nodal Officer, Bidhannagar Municipal Corporation dated March 15, 2023 to the Deputy Commissioner of Police (HQ), Bidhannagar Police Commissionerate seeking deployment of police force for demolition of the unauthorized construction.

It has been argued that as the private respondents failed to act in accordance with the self-demolition notice issued by the Corporation, the Corporation will take steps to demolish the unauthorized construction as soon as the police force is made available.

The private respondents submit that the construction in question cannot be treated as an unauthorized construction.

The present writ petition has been filed for implementation of the order of demolition. The merits of the said order of demolition cannot and ought not to be looked into in the present writ petition.

The Bidhannagar Municipal Corporation is directed to take steps for implementing the said order of demolition at the earliest but positively within a period of

eight weeks from the date of communication of this order.

The writ petition stands disposed of.

Communication made for and on behalf of the Executive Engineer (HQ) and Nodal Officer of the Corporation dated March 15, 2023 to the Deputy Commissioner of Police (HQ), Bidhannagar Police Commissionerate be retained with the records.

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.

Sh

(Amrita Sinha, J.)