

29-03-2023

ct no. 13

sl. 392

sp

WPA 4389 of 2022

Swadesh Priya Patra

-Versus-

The State of West Bengal & Ors.

Mr. Pinak Kr. Mitra,
Ms. Ariba Shahab

...for the petitioners

Mr. Naba Kumar Das,
Mr. Subhabrata Das

...for the State

The petitioner is aggrieved by the alleged inaction on the part of the Pujali Police Station, Diamond Harbour Police District in refusing to demolish an unauthorized construction. Admittedly, the Pujali Police Station has received a letter from the local municipality asking them to pull down the unauthorized construction by the private respondent no. 9.

The police cannot carry out demolition. It is the municipality that has to take up the demolition process under the provisions of the Bengal Municipal Act.

In those circumstances, the petitioner may take up the issue of demolition of an unauthorized construction with the concerned municipality.

The municipality may, on its own, examine the matter and take out demolition proceeding in accordance with law, after hearing all affected parties.

With the aforesaid observations, the instant writ petition shall stand disposed of.

The petitioner shall serve a copy of this order on the private respondent.

There shall be no order as to costs.

The report of the Pujali Police Station, Diamond Harbour Police District dated 17.03.2022 be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)