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16.06.2023
d.p.

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

W.P.A 5001 of 2023

**Anjana Saha
-versus
The State of West Bengal & Ors.**

**Mr. Somnath Gangopadhyay.
...For the Petitioner.**

**Mr. Sirsanya Bandyopadhyay,
Mr. Tirthankar Dey,
Mr. Arka Kumar Nag.
...For BMC.**

**Ms. Munmun Tewary.
...For the State.**

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

The matter relates to the premises no. BF-49, Rabindra Pally, Hanapara (near Fedaral Club), P.O.- Prafulla Kanon, P.S.- Baguiati, Kolkata-700101 under jurisdiction of Bidhannagar Municipal Corporation.

On a complaint lodged by the co-owner of the adjacent property, the Commissioner of Bidhannagar Municipal Corporation passed an order on 7th December, 2022 directing demolition of construction of a five storied building which was made without obtaining any sanctioned building plan from the Corporation.

The time to execute the order of demolition was four weeks. The said time period is long over.

The petitioner complains that the order of demolition is yet to be implemented.

Learned advocate appearing for the Bidhannagar Municipal Corporation produces the instruction forwarded by the Executive Engineer (HQ) & Nodal Officer, Bidhannagar Municipal Corporation dated 4th January, 2023 that police assistance has been sought for at the time of demolition.

It has been submitted that the demolition proceeding will be conducted by the Corporation immediately upon the police assistance being provided by the Deputy Commissioner of Police (HQ), Bidhannagar Police Commissionerate.

The writ petition which was sought to be served upon the private respondent has come back 'unserved' with the postal endorsement 'left'.

From the submissions made on behalf of both the parties and upon perusal of the materials on record, it appears that the order of demolition is yet to be implemented. Police assistance has been sought for by the Corporation.

The Corporation is directed to follow up the matter with the police authority so that necessary police assistance may be received and the demolition conducted at the earliest.

The Corporation is directed to conclude the demolition proceeding at the earliest, but positively

within a period of twelve weeks from the date of communication of a copy of this order.

The Officer-in-Charge, Baguiati Police Station is directed to render all necessary help and assistance to the men and agents of the Bidhannagar Municipal Corporation at the time of executing the order of demolition.

It will be open for the Officer-in-Charge of Baguiati Police Station to seek for additional police force from the Deputy Commissioner of Police (HQ), Bidhannagar Police Commissionerate on the date and time of executing the order of demolition.

The writ petition 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.)