

ML.203 26.04
Ct 2023
No24
AGM

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

WPA 6507 of 2022

**Swadesh Mondal & Anr.
Vs
The State of West Bengal & Ors.**

**Mr. Md. Moniruzzaman
... for the Petitioners.**

**Mr. Sandipan Banerjee
Mr. Sobhan Majumdar
... For the Durgapur Municipal Corporation.**

The petitioners pray for implementation of the order dated 24.01.2022 passed by the Commissioner, Durgapur Municipal Corporation directing that the entire unauthorised construction be pulled down at the cost of the private respondents, failing which the Corporation shall take steps for demolition of the same and recover the cost of demolition from the persons responsible for making construction.

None represents the private respondents.

Direction was passed upon the private respondent nos. 10 and 11 to effect the demolition.

It has been submitted that the respondent no. 10 Taraknath Kar has expired and the private respondent no. 11, Chandana Kar, the widow of Taraknath Kar ought to comply the same.

Upon hearing the parties and upon perusal of the materials on record, it appears that order was passed for demolition of the unauthorised construction long back in

January 2022. The same is yet to be implemented.

The private respondents have failed to act in accordance with the order passed by the Commissioner.

It is incumbent for the Corporation to implement the order passed.

The Durgapur Municipal Corporation is, accordingly, directed to take steps for implementation of the order of demolition in accordance with law and recover the cost of demolition from the persons responsible provided the said order is not set aside/modified/varied by any Court of competent jurisdiction.

Steps shall be taken in the matter at the earliest but positively within a period of sixteen weeks from the date of communication of this order.

Learned advocate for the petitioners is directed to forward a copy of the order dated 24.01.2022 to the aforesaid respondent at the time of communicating the order to the Court.

The respondent no. 9 being Officer-in-Charge, Durgapur Police Station is directed to render all necessary help and assistance to the men and agents of the Durgapur Municipal Corporation at the time of implementing the order of the Court, if sought for.

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.)

