

Item No.240

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

27.09.2023
Ct-24
AGM

WPA 7066 of 2023

**Sima Hazari @ Sarkar & Ors.
versus.
The Union of India & Ors.**

**Mr. Sandip Ghosh
Mr. Partha Sarkar
...For the petitioners.**

**Mr. Indrajeet Dasgupta
Ms. Puspita Bhowmick
...For the respondent no. 2.**

The petitioners allege illegal and unauthorized construction at the behest of the private respondents in the sweeper passage in between the premises no. 20 and 21, Bakar Mahal, Sadar Bazar, Barrackpore.

None represents the private respondents.

Affidavit-of-service filed in Court today be kept with the records.

Learned advocate representing the Cantonment Board, Barrackpore submits, upon instruction that, the dispute between the petitioners and the private respondents is existing for quite some time.

The Cantonment Authority took steps in the matter and intimated the Officer-in-Charge, Barrackpore Police Station to take necessary action for removal of the unauthorized construction on the sweeper passage.

The police, despite receipt of the aforesaid request from the Cantonment Board, failed to take proper step for removal of the unauthorized construction.

The Chief Executive Officer, Cantonment Board issued further notice dated 26th July, 2023 under Section 248 (1) of the Cantonments Act, 2006 directing the private respondents to demolish the unauthorized construction within thirty days.

The time period to comply the direction passed by the Cantonment Board is long over.

In view of the above, the Cantonment Board is directed to take necessary steps to remove the unauthorized construction made at the instance of any of the parties in accordance with the law at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

The Officer-in-Charge, Barrackpore Police Station is directed to render help and assistance to the men and agents of the Cantonment Board at the time of implementing 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.)