

D/L
Item No. 37
04.05.2023
KOLE

**MAT 644 of 2023
With
CAN 2 of 2023**

**Sanjoy Das & Anr.
-Vs.-
The State of West Bengal & Ors.**

*Mr. Ranajit Chatterjee,
Mr. N. Banerjee,
Mr. A. Dey,*

...for the applicants.

IN Re: CAN 2 of 2023:

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

None appears for the respondents in spite of service.

By a judgment and order dated April 13, 2023, MAT 644 of 2023 along with the connected application was disposed of. The relevant portion of the said judgment and order reads as follows:

“We have recorded the gist of the learned Single Judge’s order. We find no infirmity in the order under appeal. The order does not warrant any interference.

At this stage Mr. Chatterjee, learned advocate appearing for the appellants, on instructions, says that the appellants shall themselves demolish the impugned construction within fifteen days from date. This would not only save the Municipality the costs of demolition, the appellants can also undertake the demolition activity by ensuring that the other portions of the construction are not adversely affected.

We grant fifteen days’ time to the appellants on their undertaking given through their learned advocate-in-record, which we record herein, to demolish the impugned construction within fifteen days from date. After fifteen days the Municipality shall

immediately depute competent officers to inspect the premises in question to find out if the offending construction has been removed. If they are satisfied that the unauthorized portion has been demolished, the matter would end there. Otherwise, the Municipality will take immediate steps to demolish the impugned construction at the cost of the appellants”

This application has been taken out for extension of time for completing demolition of the unauthorized structure.

Two months time has been prayed for. We are not inclined to grant such a long time at the moment. We see from the photographs annexed to the application that the demolition activity has started. We extend the time for complying with the judgment and order dated April 13, 2023, till June 10, 2023.

CAN 2 of 2023 is, thus, disposed of.

(Apurba Sinha Ray, J.) (Arijit Banerjee, J.)