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16.11.2023
d.p.

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

W.P.A. 13224 of 2023

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

**Mr. Sukanta Chakraborty,
Mr. Zubair Ahmed.
...For the Petitioner.**

**Mr. Rudranil De.
...For the State.**

**Mr. Suman Basu,
Mr. Gaurav Dutta.
...For the Chandannagar
Municipal Corporation.**

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

None appears on behalf of the private respondent in spite of service.

Direction passed by the Chandannagar Municipal Corporation on 1st August, 2019 for removal of the unauthorized construction by Sri Monotosh Saha at the cost and expense of Sri Monotosh Saha is yet to be implemented.

Learned advocate appearing for the petitioner alleges that despite the order of removal of the unauthorized structure, the person responsible for making construction is continuing further illegal construction.

Repeated representations were filed by the petitioner but none has been responded by the Corporation. Prayer has been made for demolition of the unauthorized construction.

Learned advocate appearing for the Chandannagar Municipal Corporation admits that an order of demolition is pending execution.

As it appears from the submissions made on behalf of all the parties and upon perusal of the materials on record that an order of removal of unauthorized construction is pending execution for more than four years and the person responsible deliberately failed and neglected to remove the unauthorized construction, accordingly, the Corporation is directed to take steps for removal of the unauthorized construction and to recover the cost of removal of unauthorized construction from the person responsible for making such construction.

The Corporation shall take steps to remove the unauthorized construction as detected way back in August 2019 and any subsequent unauthorized construction that may have been made after the said order.

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

It will be open for the Corporation to seek the assistance of the Inspector-in-Charge, Chandannagar Police Station at the time of executing the order of demolition, if necessary.

The Inspector-in-Charge, if required, may take the help and assistance of the Commissioner of Police, Chandannagar Police Commissionerate. The Commissioner of Police shall render assistance, 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.)