

Item No.242

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

18.09.2023
Ct-24
A.G.M.

WPA 13274 of 2023

Aparna Das & Anr.

v.

The State of West Bengal & Ors.

Mr. Sagnik Chatterjee

Mr. Sayan Mukherjee

...For the petitioners.

Mr. K. N. Nabi

Mr. Kaustav Chatterjee

... For the State.

Mr. Atis Kumar Biswas

Ms. Debanjana Dey Nayek

... For the K.M.C.

Premises no. 34B, Abinash Sashmal Lane, Kolkata 700 010 under ward No. 34 Borough III is suffering an order of demolition passed by the Executive Engineer (Civil)/Building Department, Borough III on 17th March, 2023.

The Executive Engineer directed the person(s) responsible to demolish the unauthorised G.I. shed over the three storied existing building at his own cost within thirty days from the date of receipt of the order under supervision of the empanelled structural engineer or otherwise action will be taken by the Corporation as per law.

Time to comply the order of demolition is long over. The demolition is yet to be made.

The petitioner prays for implementation of the same.

Learned advocate representing the Corporation submits, upon instruction that, immediate steps shall be taken for demolition of the unauthorised construction.

In view of such submission, the concerned Executive Engineer is directed to take immediate steps for implementing the order of demolition dated 17th March, 2023 at the earliest but positively within a period of eight weeks from the date of communication of this order provided the order is not set aside/ modified/or varied by any Court of competent jurisdiction.

Let the instruction of the engineers of the building department signed on 27th June, 2023 be retained with the records.

The Officer-in-Charge, Beliaghata Police Station is directed to keep strict vigil over the property so that no further construction, in any manner whatsoever, is carried out at the subject premises.

The private respondent is restrained from transferring, alienating, handing over possession or creating third party rights in respect of the unauthorised portion of the subject premises.

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.)