

29
16.10.2023
Court No. 24
AGM

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

WPA 14173 of 2023

**Mathura Mohan Datta
-versus
The State of West Bengal & Ors.**

**Mr. Pritam Choudhury
Mr. Abhisek Addhya**

... For the petitioner.

**Mr. Arindam Chattopadhyay
Mr. Soumik Dey**

... For the State.

Mr. Soumik Ganguli

... For the respondent nos. 2 to 4.

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

Construction has been made by the private respondent under the House for All scheme by receiving first installment of Rs. 50,000/- on 20th June, 2022.

On a complaint being lodged by the petitioner herein, it was detected that massive unauthorised construction took place. Bankura Municipality directed demolition of the said unauthorised construction.

A photograph of the subject construction has been produced before this Court. The construction appears to be of such nature that the same does not appear to be a construction under the House for All scheme.

The Municipality is directed to take all steps for demolition of the unauthorised construction in accordance with law at the earliest.

From the instruction of the Municipality forwarded by the Sub Assistant Engineer (Civil), P.W.D., it appears that despite several stop work noticees being issued to the private respondent, the construction has been completed.

Accordingly, the Officer-in-Charge, Bankura Police Station is directed to keep strict vigil over the property constructed at the behest of Sri. Pintu Ruidas, son of late Gunadhar Ruidas, Natunchati, Loharpara Road, under Ward No. 11, Bankura and ensure that construction in any manner whatsoever is not carried out at the subject premises.

The construction in question shall not be let out/transferred/alienated or any third party right created, as the same is an absolute illegal and unauthorised one.

The resolution adopted by the Bankura Municipality and the report filed by the Sub Assistant Engineer signed on 4th January, 2023 be retained with the records.

The Officer-in-Charge, Bankura Police Station is directed to render all necessary help and assistance to the men and agents of the Bankura Municipality at the time of implementing the order of demolition, if sought for.

The Municipality shall take steps in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

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.)