

Item No.30

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

16.10.2023
Ct-24

WPA 14537 of 2023
Tufail Ahmad

v.

The Asansol Municipal Corporation & Ors.

Mr. Dhananjay Banerjee
Md. Shamimuddin
Ms. Oindrila Ghosh
Mr. Raunak Shaw
... for the petitioner.

Mr. Sounak Bhattacharya
Mr. Sounak Mandal
Mr. Anirban Saha Ray
... for AMC.

Mr. Debajyoti Basu
Mr. Subhojit Seal
Mr. Dibyendu Ghosh
... for the private respondent.

The petitioner is aggrieved by the order of demolition passed by the Asansol Municipal Corporation on August 8, 2023.

The impugned order of demolition mentions that the construction has encroached the public road and the entire building is illegal. A double storied commercial building with shutters of shop rooms have been fitted without the sanctioned building plan. The sanction was for construction of residential building. The petitioner by obtaining sanctioned plan for construction of residential building, constructed commercial building thereat without any permission or sanction of the Corporation.

It appears from the submissions made on behalf of both the parties and upon perusal of the materials on

record that the petitioner was duly heard prior to the order of demolition being passed. Presently the petitioner is trying to regularize the illegal construction that has already been made. The complaint against such unauthorized construction was made in the year 2021. The statutory provision and the principle of natural justice have been duly complied with by the Corporation in passing the impugned order.

The petitioner has failed to show any illegality in the impugned order calling for interference.

In view of the above, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

The Corporation may proceed with the work of demolition and recover the costs and expenses from the petitioner.

Instruction forwarded by the Asansol Municipal Corporation be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)