

10
Ct No
24
AGM

10.05
2023

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

WPA 16736 of 2021

**Taraknath Tirthadip @ Thakur
Vs
The State of West Bengal & Ors.**

Mr. Rajendra Banerjee
Mr. Joy Chakraborty
Mr. Dip J Chakraborty
Ms. Ipsita Ghosh

... For the Petitioner.

Mr. Amal Kumar Banerjee ...For the Municipality.

Mr. Partha Chakraborty
Muhammad Obaid

... For the respondent no. 5.

The Vice Chairman, Rampurhat Municipality has forwarded a report signed on 28th April, 2023, which mentions that the Municipality already demolished the illegal portion of one feet and above in breadth of the multi storied G+IV building in presence of the petitioner as per the decision taken in the hearing on 1st September, 2021 in the Rampurhat Municipality. Both the parties were present in the hearing.

The Municipality has opined that the construction is complete and any further demolition will affect the structural stability of the building. It has further been mentioned that the construction is within the land of the owner.

Learned advocate for the petitioner disputes the

contention of the Municipality.

Learned advocate representing the private respondent submits that there has been no infringement of the statutory open spaces and the construction, as it stands today, is completely within the private land of the private respondent.

It has further been submitted that a civil suit on the selfsame cause of action is pending consideration before the learned Court below.

The petitioner insists that the unauthorised construction still exists.

To dispel all doubts from the mind of the parties, the Rampurhat Municipality is directed to conduct a spot inspection in presence of all the necessary parties upon prior notice to them to ascertain as to whether there is any other unauthorised construction, which is required to be demolished. In the event, the Municipality is of the opinion that further demolition is required, then prompt necessary steps shall be taken to deal with the same.

The spot inspection shall be conducted at the earliest but positively by 14th June, 2023. Report of spot inspection shall be circulated amongst all the parties.

Thereafter, an opportunity of hearing be given to the parties and a further decision be taken in the matter as to whether demolition is the only alternative to deal with any unauthorised construction, if detected.

The Municipality shall ensure to conclude the entire exercise positively by 28th July, 2023.

A final order shall be passed and communicated to all the parties.

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.)