

Item No.30

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

11.12.2023
Ct-24
AGM

WPA 17858 of 2023
Haru Bera

v.

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
Ms. Tithi Mazumder
Mr. Rajesh Naskar
... for the petitioner.

Md. Ziaur Rahaman
... for the State.

Mr. Suman Basu
... For the Corporation.

Mr. Swagata Datta
... For the respondent no. 6.

The petitioner complains of construction of two illegal toilets over the common passage.

It appears that in compliance of an order passed by this Court in the earlier writ petition filed by the petitioner, Chandannagore Municipal Corporation directed demolition of one of the toilets.

The petitioner submits that the private respondent on receipt of the demolition order from the Corporation, demolished the said structure but thereafter reconstructed the same all over again.

The other toilet in the other end of the common passage was not at all taken into consideration by the Corporation.

Complaint has been lodged by the petitioner before the Corporation, which is pending consideration.

Learned advocate representing the private respondent no. 6 submits, upon instruction that, the said respondent is presently not connected with the subject property or the construction complained of.

It has been submitted by the learned advocate representing respondent no. 6 that the respondent no. 7 expired long back. The person who is responsible for making construction is one Kalipada Mondal, who has not been impleaded as party respondent in the present writ petition.

Learned advocate representing the Chandannagore Municipal Corporation submits that the previous unauthorised construction which was detected was self-demolished by the person responsible. If presently the same has been reconstructed, the Corporation will take necessary steps.

It has been submitted that the complaint of the petitioner was duly considered and a spot inspection was conducted to ascertain the nature and extent of unauthorised construction. The Corporation detected construction of two toilets at two ends of the common passage. The Corporation intends to take steps to demolish both.

From the sketch map prepared by the Chandannagore Municipal Corporation, it is evident that there is recording of two toilets. One was declared as unauthorised but there is no finding with regard to the other toilet.

The Corporation shall specifically ascertain as to whether the said toilet is also an unauthorised one and thereafter take necessary consequential steps with regard to the same.

As it appears that the Corporation has already proceeded to take steps in response to the complaint lodged by the petitioner and has detected unauthorised construction, accordingly, the Corporation is directed to take immediate steps for removal of the said constructions in accordance with law at the earliest but positively within a period of eight weeks from the date of communication of this order.

The Corporation shall strictly ensure that the constructions which are demolished being held to be unauthorised are not reconstructed all over again.

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.)