

22.12.2023
Item No.7.
Court No.6.
AB

**M.A.T. 2315 of 2023
I A CAN 1 of 2023
I A CAN 2 of 2023
I A CAN 3 of 2023
(not in file)**

**Pintu Ruidas & Ors.
Vs
Mathura Mohan Dutta & Others**

Mr. D. N. Chatterjee,
Mr. Madhusudan Mondal...for the Appellants.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee,
Mr. Soumik Dey ...for the State.

Mr. Pritam Choudhury,
Mr. A. Adhyafor the Respondent /
Writ Petitioner.

Mr. Soumik Ganguly....for the Municipality.

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

In re : IA CAN 1 of 2023

This is an application for condonation of delay of
14 days in filing the appeal. Causes shown being
sufficient, the delay is condoned.

I A CAN 1 of 2023 is, accordingly, disposed of.

**In re : MAT 2315 of 2023, IA CAN 2 of 2023
and CAN 3 of 2023 (not in file)**

A judgment and order dated October 16, 2023,
whereby the writ petition of the respondent no.1
herein, being WPA No.14173 of 2023, was disposed of
by a learned Judge of this Court, is under challenge in

this appeal at the instance of the private respondents in the writ petition.

The writ petitioner approached the learned Single Judge for implementation of a demolition order issued by Bankura Municipality calling upon the private respondents in the writ petition, who are the appellants herein, to remove unauthorized construction.

The learned Judge, after considering the records of the case, came to the conclusion that indeed, massive unauthorized construction has been raised by the appellants/private respondents. The learned Judge also noted that in spite of issuance of repeated stop work notices, the appellants/private respondents continued with and completed the illegal construction. The learned Judge disposed of the writ petition with the following observations and direction:

“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 unauthorized 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. “

Being aggrieved, the private respondents in the writ petition have come up by way of this appeal.

At the outset, learned Advocate for the respondent no.1/writ petitioner says that the writ petitioner and his son have been murdered by the private respondents because of having lodged complaint regarding the unauthorized construction by the appellants. Learned Advocate produced newspaper reports to that effect. We are told that the appellants are in custody. However, we are not concerned with that case.

We have heard learned Counsel for the parties and considered the order impugned in this appeal. It does seem that the appellants have raised unauthorized construction. We find no infirmity in the order of the learned Single Judge. Unauthorized construction cannot be allowed to stand.

The appeal and the connected applications are, accordingly, dismissed.

Since we have not called for affidavits, the allegations in the stay application are deemed not to be admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Arijit Banerjee, J.)

(M. V. Muralidaran, J.)

