

78.
14.03.2023
S.D.

W.P.A. 28608 of 2022

**Subir Konar & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Amal Kumar Mukhopadhyay
Mr. R. Jana
... For the Petitioners.

Mr. Rabindra Nath Datta
Mr. Arakaday Mukherjee
...For the Panihati Municipality
Mr. Susanta Pal
Mr. Benazir Ahmed
...For the State

Mr. Prantik Ghosh
Mr. Prasad Bhattacharyya
...For the Private Respondents

The order dated 7th June, 2022 passed by the Panihati Municipality, is yet to be implemented. Direction has been passed for demolition of the illegal construction of 200 Sq. Mt. in Holding No. 135-F, Ward No. 10.

Learned advocate representing the private respondent submits, upon instruction that, there is a private dispute between the parties and a civil suit is pending consideration before the Court below. It has been admitted that no appeal has been preferred against the order of demolition.

Learned advocate representing the municipality submits that a representation has been filed by the petitioner in September 2022 and the same will be considered by the municipality.

As it appears that no steps have been taken by the parties pursuant to the communication dated 7th June, 2022, accordingly, the present writ petition is disposed of by directing the municipality to act in accordance with law and take necessary steps to deal with the unauthorized construction.

The municipality shall ensure that the unauthorized construction is demolished positively within a period of twelve weeks from the date of communication of this order provided the said order is not stayed/set aside/varied or modified by any Court of competent jurisdiction.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)

