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22.02.2023
B.B.

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

W.P.A. 28637 of 2022

**Md. Ekhlashuddin Ansari
-versus
The State of West Bengal & Ors.**

**Mr. Arup Krishna Das.
...For the Petitioner.**

**Ms. Srilekha Bhattacharya.
...For the State.**

**Mr. Santanu Chatterjee.
Mr. Sounak Bhattacharya.
...For the Asansol Municipal
Corporation.**

**Mr. Apurba Kr. Dutta.
Mr. Kuntal Banerjee.
...For the Respondent
Nos. 4,5 and 6.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner seeks implementation of the order of demolition dated 31st December, 2018 passed by the Asansol Municipal Corporation in compliance of the direction passed by this Court in WP No. 27989 (W) of 2016.

It has been submitted that despite the order of demolition, the private respondents are merrily continuing with the unauthorized construction.

The petitioner complains that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

Learned advocate representing the private respondents submits, upon instruction that, an appeal has been filed against the order of demolition and the same is pending consideration.

As it appears that an order of demolition has been passed by the Corporation, accordingly, it is incumbent for the Corporation to implement the said order of demolition in accordance with law.

The writ petition is, accordingly, disposed of by directing the respondent no.2 to take steps for implementing the order of demolition in accordance with law in the event the said order is not set aside, modified or varied by a competent authority.

The Corporation shall take necessary step in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The petitioner is directed to forward a copy of the order of demolition dated 31st December, 2018 and copy of the representation dated 16th November, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

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.)