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14.03.2023
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 28773 of 2022

**Swapan Kumar Mukherjee
-versus
The State of West Bengal & Ors.**

**Mr. Sandip Ghosh,
Ms. Mousumi Chatterjee,
Mr. Partha Sarkar.
...For the Petitioner.**

**Mr. Ayan Banerjee,
Ms. Debasree Dhamali.
...For the Bally Municipality.**

**Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee,
Ms. D. Ganguly,
Mr. K. Bhattacharya.
...For the Respondent No.7.**

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

An order of demolition was passed by the Bally Municipality in respect of the premises at 1, Banku Behari Ghosh Lane, P.O.-Belur, Howrah-711201. The said order is under scrutiny before the appellate forum.

The petitioner alleges that despite the order of demolition being passed by the Municipality, the private respondent is continuing with the unauthorized construction.

The representation filed before the Municipality in November 2022 is pending consideration.

Learned advocate appearing for the private respondent submits that there is an order of stay passed by the appellate forum.

It has been denied that any construction work that has been made after the order of demolition has been passed.

Learned advocate appearing for the Municipality is yet to receive instruction as to whether further construction work is being made at the instance of the private respondent.

In view of the above, the instant writ petition is disposed of by directing the Bally Municipality to ascertain as to whether any further construction work is being made at the subject premises.

If it transpires that further construction work has been made after the order of demolition was passed, then necessary steps shall be taken to deal with the same in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties. A fresh order shall be passed and communicated to the parties.

The Municipality will take steps in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

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.)