

Item No.52

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

12.06.2023
Ct-24

WPA 28924 of 2022
Shiba Prosad Pradhan

v.

The State of West Bengal & Ors.

Mr. Tushar Sinha Mahapatra
Mr. Raj Kumar Sain
... for the respondent no. 9 & 10.

Mr. Mujibar Rahman
Mr. Arun Kumar Saha
... for the State.

Mr. S.M. Hassan
Ms. Anupama Yasmin
... for the Municipality.

It appears from the averments made in the writ petition that the petitioner complains of illegal and unauthorized construction at the instance of the private respondents.

From the documents annexed to the writ petition it appears that the Executive Officer of the Haldia Municipality arrived at a conclusion that the private respondents acted illegally and unauthorizedly by making construction without taking any permission/approval for raising additional floor and by not taking permission for conversion of the classification of the land.

The private respondents were directed to dismantle the additional storey constructed unauthorizedly. The order is yet to be implemented.

The private respondents deny the allegation of unauthorized construction made by the petitioner.

It appears from the documents annexed to the writ petition and upon hearing the submissions made on behalf of the parties that an order has already been passed by the Municipality. The same has not been challenged by the person aggrieved. The Municipality is duty bound to implement the order passed.

In view of the above, the instant writ petition is disposed of by directing the Haldia Municipality to take steps for implementing the order dated November 18, 2022 passed by the Executive Officer for demolition of the additional floor constructed at the instance of the private respondents in accordance with law at the earliest but positively within a period of four months from the date of communication of a copy of this order.

The writ petition stands disposed of.

Instruction given by the Officer-in-Charge, Sutahata Police Station dated January 5, 2023 be taken record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)