

Sl No.95
02.03.2023.
SB-II

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA 3376 of 2022
Dilip Chakraborty
-versus
The State of West Bengal & Ors.**

Mr. Arijit Ghosh
... for the petitioner.

Mr. Subir Kumar Saha, Ld. AGP
Ms. Bedashruti Bose
... for the State.

A report has been filed by the Officer-in-Charge, Belakoba Out Post, P.S.-Rajganj signed on March 1, 2023 wherefrom it appears that the illegal hoarding from the roof top of the petitioner has been removed on January 16, 2023.

Learned advocate for the petitioner admits removal of the hoarding.

It has been submitted that at the time of removal of the hoarding, certain damage has been caused in the roof of the petitioner's premises. The petitioner seeks to repair the damage at his own cost.

It has been alleged that the private respondent no. 7 is restraining the petitioner to repair the damaged portion of the roof.

As it appears that the hoarding which was an illegal structure had to be brought down under order of Court and in the process the structure of the petitioner got damaged, as such opportunity ought to be given to the petitioner to repair the said damage.

The petitioner has submitted that he will repair the damage at his own cost.

The Officer-in-Charge, Belakoba Out Post, P.S.-Rajganj is directed to ensure that no obstruction is caused to the petitioner at the time of repairing the damaged portion by any party whatsoever.

The petitioner shall be entitled to make the necessary repairs positively by March 10, 2023.

The writ petition stands disposed of.

Urgent photostat certified copy 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.)