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Court No. 24
15.05.2024
AGM

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

W.P.A 6449 of 2023

**Ramen Das
v.
Kanchrapara Municipality & Ors.**

**Mr. Samim Ahammed.
Ms. Gulsanwara Pervin.
Mr. Arinuddha Singh.
... for the petitioner.**

Affidavit-of-service filed today be kept with the records.

The petitioner seeks implementation of the direction passed by the Kanchrapara Municipality on 9th January, 2023.

None represents the Municipality.

The private respondents are also not represented.

It appears from the communication dated 9th January, 2023 that the Chairman made the communication to the private respondents for demolishing the structure in question as the same was constructed without obtaining any sanctioned plan.

It is not clear from the said communication as to whether the decision for demolition was taken by the Board of Councilors or not. The Chairman independently does not have any right to pass an order of demolition.

According to Section 218 of the West Bengal Municipal Act, 1993, the Board of Councillors of the Municipality is the competent authority to pass an order of demolition.

The matter is directed to appear in the list once again on 18th June, 2024.

Let a further notice be served upon the Municipality communicating the order of this Court. A report shall be filed by the Municipality on the adjourned date.

Learned advocate for the petitioner is directed to forward a copy of this order to the Officer-in-Charge, Bizpur Police Station for onward transmission to the Chairman of the Kanchrapara Municipality for necessary compliance.

(Amrita Sinha, J.)