

16.04.2024
Item Nos.10 & 11
Court No.6.
S. De

**M.A.T. 514 of 2024
with
I.A. No. CAN/1/2024**

**Bally Municipality & Anr.
Vs.
Abul Kalam & Ors.**

With

**M.A.T. 513 of 2024
The State of West Bengal & Ors.
Vs
Abul Kalam & Ors.**

Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
...for the appellants (in both
the appeals).
Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
...for the HMC.
Mr. Biswaroop Bhattacharyya,
Mr. Dwaipayan Biswas,
Ms. Soumita Show,
...for the private respondent
nos. 9, 12, 13.
Mr. Tapan Kumar Mukherjee,
Mr. Pinaki Dhole,
Mr. Tapas Kr. Dey,
...for the appellants/ State.
(in MAT 513 of 2024)

Read order dated April 3, 2024.

Mr. Bhattacharya, learned advocate representing
the respondent no.13 says that the undertaking in the
form of affidavit is ready but yet to be affirmed. He
hands up a draft copy of the affidavit.

We are told that the respondent nos.9, 12 and
13 are present in Court. Mr. Bhattacharyya says that

their undertaking may be recorded in the order. If that is done then the requirement of the respondent no.13 filing affidavit may be dispensed with.

We find this to be a reasonable suggestion. We record the undertaking of the respondent nos. 9, 12 and 13, who are present in Court and who have been identified by Mr. Bhattacharya, that they will vacate the premises in question by the end of April 2024.

Till such time, their possession in respect of the concerned premises will not be disturbed by the Municipality or anybody else.

A prayer has been made by the respondent nos. 9, 12 and 13 through their learned advocate Mr. Bhattacharya that time for them to vacate the premises in question be extended till the end of May 2024. This prayer is strongly opposed by learned advocates for the Municipality and the writ petitioner. Admittedly, the impugned construction is unauthorized and illegal. Nobody knows how stable the structure is. Hence, we are unable to accede to the prayer made by the said respondents. This is not only in the interest of their safety but also of the safety of other people in the vicinity of the impugned structure.

We make it clear that this order will ennure to the benefit of only the respondent nos.9, 12 and 13 herein. The other respondents will not be entitled to

take advantage of this order. Upon the respondent nos. 9, 12 and 13 vacating the premises in question by the end of this month, the Municipality and Howrah Municipal Corporation will proceed to implement the demolition order, if necessary, with Police assistance, as directed by the learned Single Judge.

We make it clear that the Officer-in-Charge of the jurisdictional Police Station shall render all co-operation and assistance to the Municipality and Howrah Municipal Corporation in getting the premises in question vacated and in the implementation of the demolition order in question.

MAT 514 of 2024 and MAT 513 of 2024 are disposed of along with the application being I.A. No. CAN 1 of 2024.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)