

02. 29.02.2024
bd. Ct.15

WPA 6364 of 2019

Sandip Gupta

-vs-

The State of West Bengal & Ors.

Mr. Timir Baran Saha ... for the petitioner.

Mr. Subhashis Bandopadhyay ... for the Municipality.

The writ petition is filed for implementation of the order of the concerned authority of Burdwan Municipality which was taken based on the decision of the Board of Councillors of the said municipality dated 29th September, 2018.

Today the matter is heard in presence of the learned advocates representing the petitioner and Burdwan Municipality. However, in spite of service of notice upon the other respondents those respondents are not represented today. Affidavit of service filed on behalf of the petitioner is taken on record.

It has been submitted by the learned advocate representing the Municipality that pursuant to the decision of the Municipality dated 29th September, 2018 a notice was issued vide Memo dated 7th January, 2020 by the Sub-Divisional Officer, Sadar (North) and Administrator, Burdwan Municipality addressed to the Superintendent of Police Purba Bardhaman wherefrom it appears that on 22nd January, 2020 date was fixed for demolition of the unauthorised construction from 10.00 a.m. and the police

authorities were requested to provide adequate police force to facilitate such demolition programme. Subsequent thereto another notice was issued vide Memo dated 2nd December, 2020 to the learned advocate for the petitioner intimating him that demolition was made on 22nd January, 2020. Both the memoranda dated 7th January, 2020 and 2nd December, 2020 are placed before this Court and taken on record.

It has been submitted by the learned advocate representing the petitioner that though demolition drive was taken on 22nd January, 2020 but it was part demolition therefore the decision of the demolition taken by the Municipality on 29th September, 2018 is not fully complied with. However, considering the grievance which is made on behalf of the petitioner same cannot be delved into in this writ petition since the writ petition pertains to implementation of the order of demolition dated 29th September, 2018 which was filed prior to the demolition work carried out by the Municipality on 22nd January, 2020. If petitioner has grievance after the demolition work which was undertaken by the Municipality on 22nd January, 2020 necessary steps are required to be taken in accordance with law from the end of the petitioner.

In view of aforesaid, the writ petition stands disposed of thereby granting leave to the petitioner to take steps accordingly, if so advised.

There shall be no order as to costs.

Urgent photostat certified copy of the order,

if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)