

Item No.8
30.04.2024
S.H.

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

**W.P.A.10748 of 2024
Smt. Shukla Das
-versus
The State of West Bengal & Ors.**

**Mr. Soumitra Deb
...For the Petitioner.**

**Mr. Gautam Lahiri
... for the respondent nos. 2 & 3.**

**Mr. Swapan Banerjee
Ms. Sumita Shaw
... for the State.**

The petitioner is aggrieved by the order passed by the Board of Councillors, Serampore Municipality on April 3, 2024 allegedly in compliance of the direction passed by this Court in WPA 4240 of 2023 filed by the writ petitioner on an earlier occasion.

The petitioner as well as the complainant were heard by the authority. It was noticed that the petitioner purchased the property being fully aware of the structural health of the subject premises. No certificate was produced before the Municipality regarding modification/alteration of the structure.

The petitioner has added load by fixing iron hollow sections and iron bars with galvanized sheet and big tempered glasses attached to the sides of the building which increased the load. The building is an extremely old and any type of structure should have been done after taking proper sanction. The building is situated in a heavily crowded area.

The Municipality also noticed that the domestic building was being used for business purpose without obtaining any permission from the Municipality.

The petitioner relies upon the Permanent Certificate of Enlistment issued by the Municipality on August 30, 2023.

The petitioner has been directed to remove/demolish the unauthorized constructions including modification and alteration made upon the two holdings i.e. 18 and 20, N.S. Avenue, Serampore, Hooghly within seven days, failing which the authority will take steps without any further information.

Pursuant thereto the Municipality issued a further notice on April 23, 2024 directing the petitioner to remove the aforesaid constructions.

The petitioner contends that the observations in the impugned order are generalized. There is no scientific approach adopted by the Municipality in passing the said order.

Prayer has been made to set aside the said order of demolition.

Learned advocate representing the Municipality submits, upon instruction that, the condition of the building is very old and the structures raised by the petitioner amounts to unauthorized construction.

It appears from the submissions made on behalf of the parties and upon perusal of the materials on record that the impugned order is an appealable one.

It will be open for the petitioner to approach the appellate forum for remedy.

No order can be passed in the instant writ petition.

The writ petition stands disposed of.

Supplementary affidavit filed by the petitioner in Court today is taken on record.

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

(Amrita Sinha, J.)