

Sl. No.36
23.09.2024
Suman
Ct. 15

WPA 13208 of 2024

Debanan Bachar
Vs.
The State of West Bengal and Ors.

Mr. Sumitava Chakraborty
..for the petitioner

Mr. Ujjal Ray
..for respondent nos. 7 and 8.

Mr. Tapas Kumar Ghose
Mr. Tanmoy Chowdhury
..for respondent nos. 2 to 5

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata
..for the State

Though the petitioner insists on the implementation of the demolition order dated October 13, 2022, appearing at page 20 of the writ petition passed by the Chairman, Hooghly Chinsurah Municipality, I am of the opinion that the order of demolition is too vague to be effectively implemented. It does not specify the unauthorised construction that requires to be demolished.

The Municipality also could not satisfy the Court that the order of demolition was passed by the Board of Councillors of the Municipality and not by the Chairman.

In that view of the matter, the demolition order dated October 13, 2022, is set aside.

The Board of Councillors shall hear the petitioner as well as respondent nos. 7 and 8 afresh. After hearing the parties, if the Board of Councillors of the Municipality is of the opinion that respondent nos. 7 and 8 have undertaken any unauthorised construction, it shall pass an appropriate order of demolition specifically detailing the extent of unauthorised construction that requires to be demolished.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

Accordingly, **WPA 13208 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)