

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Gaurang Kanth

M.A.T. 1215 of 2024
(CAN 1 of 2024)

Debraj Roy & Anr.
-Vs-
State of West Bengal & Ors.

For the Appellants : Ms. Pampa Dey Dhabl, Adv.,
Ms. Sangita Banerjee, Adv.

For the State : Mr. Asish Kuymar Guha, Adv.,
Mr. Rajendra Chaturvedi, Adv.

**For the Respondent
No.6.** : Mr. Amitabha Ghosh, Adv.,
Ms. Nabanita Chatterjee, Adv.,
Ms. Arpita Dhar, Adv.

**For the Uttarpara-
Kotrung Municipality** : Mr. Dipak Kumar Mukherjee, Adv.,
Mr. Rajib Mukherjee, Adv.,
Ms. Shyasree Bhaduri, Adv.

Heard on : 05.08.2024

Judgment on : 05.08.2024

Joymalya Bagchi, J. :-

1. Appellants had approached the Hon'ble Single, inter alia, praying for a direction upon the respondent-Municipality to demolish the unauthorized construction on the premises. Hon'ble Single Judge in the impugned order observed major portion of the unauthorized construction has been demolished and the remaining construction is in existence for 20 years.
2. Learned Advocate for appellants contends the remaining construction is also unauthorized and requires to be demolished.
3. Learned Advocate for Municipality submits construction was made 20 years ago.
4. Learned Advocate for the private respondents also endorsed her submission.
5. Whether a construction has been made 20 years ago or not is irrelevant. Nothing is placed on record to show that the remaining construction was as per sanctioned plan.
6. Under such circumstances, duty is cast upon the respondent-Municipality to demolish the remaining construction.
7. Accordingly, we dispose of the appeal by directing the respondent-Municipality to take necessary steps for demolition of the remaining unauthorized construction on the premises at the earliest in

accordance with law. In the event of resistance, it shall be open to the Municipality to take police assistance, if necessary.

8. With these directions, appeal and connected application are also disposed of.
9. There shall be no order as to costs.
10. Photostat certified copy of this judgment, if applied for, be given to the parties on compliance of all formalities.

I agree.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

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