

05-02-2024
ct no. 24
Sl. 34
Sayandeep

WPA 16197 of 2023

Sri Ajit Pandey
-Versus-
The State of West Bengal & Ors.

Mr. Animesh Paul
Ms. Haardikaa Rajdev
...for the petitioner

Ms. Rinku Sen
..... for the State

Ms. Mekhla Sinha
Ms. Malabika Roy Dey
.... For the Howrah Zilla Parishad

Mr. Ranjit Malakar
.... For the respondent Nos. 5 and 6

The petitioner prays for execution of the order dated 2nd May, 2023 passed by the District Engineer, Howrah Zilla Parishad directing demolition of the unauthorized construction at the cost of the person responsible for making construction.

Learned advocate representing the Zilla Parashad submits that as the private respondents were directed to demolish the structure, accordingly, it is a duty to the private respondent to demolish the same. Because of the cost require to be incurred for carrying out the demolition

work, the Zilla Parishad was not in a position to take up the work of demolition.

The private respondent submits, upon instruction that, a title suit is pending consideration in between Bishwajit Ghosh vs. Madhu Devi Shaw being Title Suit No. 767 of 2023 in respect of the self-same plot where the order of demolition has been passed being L.R. Dag No. 2048.

No order has been placed before this Court restraining the Howrah Zilla Parishad from executing the order of demolition passed on 2nd May, 2023. The aforesaid Title Suit is in connection with landlord and tenant dispute. Bishwajit Ghosh filed the said Suit against one Manju Devi Shaw. In the present writ petition, Bishwajit Ghosh is not a party. Manju Devi Shaw has, however, been arrayed as respondent No. 6 in the writ petition.

As it appears that the private respondents have failed and neglected to take steps for acting in accordance with the order of demolition passed by the Howrah Zilla Parishad, accordingly, the Howrah Zilla Parishad is directed to execute the order of demolition and recover the cost of demolition from the private respondents. An unauthorized construction

cannot be permitted to be retained on account of pendency of a Title Suit.

The Inspector-in-Charge, Sankrail P.S. is directed to render all necessary help and cooperation to the men and agents of the Howrah Zilla Parishad in executing the order of demolition. The order of demolition shall be executed at the earliest but positively within a period of sixty days from the date of communication of this order.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)