

22-04-2024
Item No.64-ML
S.H.
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.20375 of 2023
Sri Sekhar Majhi & Anr.

-vs-

The Maheshtala Municipality & Ors.

Mr. Balaram Neogi
...for the petitioners.

Mr. M. Ahmed
... for Maheshtala Municipality.

Mr. Robiul Islam
Mr. Jayeed Hossain
... for the respondent no. 4.

Affidavit-of-service filed in Court is taken on record.

The unserved envelope containing the writ petition sought to be served upon the private respondent is annexed to the affidavit-of-service. The envelope is opened and the copy of the writ petition is returned to the learned advocate representing the petitioners by retaining the empty envelope endorsing the postal remark.

The petitioner prays for implementation of the order of demolition passed by the Maheshtala Municipality on February 22, 2023.

Learned advocate representing the private respondent submits that his client was not served with the order of demolition and, accordingly, the private respondent did not have any knowledge of the same.

Fact remains that the order of demolition was passed more than one year back. As on date there is no

order from any competent Court of law setting aside or modifying the same.

In view of the above, the Municipality is bound to comply with the same. The Municipality is, accordingly, directed to take steps for implementing the order of demolition at the earliest but positively within a period of sixteen weeks 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]