

M.77 **25.04**
Ct **2024**
No24
AGM

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

WPA 23212 of 2023

**Asitendu Das & Ors.
Vs
State of West Bengal & Ors.**

**Mr. Subendhu Roy Chowdhury.
Mr. Joy Chakraborty.
Mr. Sandip Dinda.
Mr. Ranjit Malakar.
... For the Petitioners.**

**Mr. Sirsanya Bandopadhyay.
Mr. Tirthankar Dey.
Mr. Arka Kumar Nag.
... for the Bidhannagar Municipal Corporation.**

**Mr. Moniruzzaman.
... for the State.**

Affidavit-of-service filed in Court today be kept with the records.

A portion of the construction at Sushila Apartment T-23, Teghoria Main Road, Kolkata- 700 157 under jurisdiction of the Bidhannagar Municipal Corporation has been adjudicated and found to be unauthorised.

An order of demolition was passed on 14th March, 2019. The same is yet to be implemented.

The Bidhannagar Municipal Corporation is directed to take steps for implementation of the order of demolition in accordance with law at the earliest but positively within a period of six months from the date of communication of this order.

Be it recorded that the appeal preferred by the aggrieved party against the order of demolition before the Bidhannagar Municipal Corporation is *non est* in the eye of law as the Corporation is not vested with any appellate power to deal with appeals against the order of demolition.

Instruction forwarded by the Bidhannagar Municipal Corporation be retained with the records.

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.)