

01-02-2024
ct no. 13
sl. 78
pk

WPA 24843 of 2023

Sri Subhadeep Banik

-Versus-

State of West Bengal & Ors.

Mr. Biswajib Ghosh,
Mr. Sumitava Chakraborty,
Mr. Abhishek Mukherjee,
Ms. Anushka Pal

... for the petitioner.

Mr. Malay Singh,
Ms. Mita Bag

...for the State.

1. Despite service of notice, the private respondent is not represented.
2. The petitioner is aggrieved that notwithstanding stop work and demolition order issued by the Hooghly-Chinsurah Municipality, the private respondent has refused to demolish unauthorised portion of the property and has also continued to effect construction.
3. This Court is of the view that the order of the Municipality assumes finality.
4. In those circumstances, the Officer-in-Charge of the Chinsurah Police Station shall immediately upon receipt of a copy of this order register FIR against the private respondent under the relevant provisions of the West Bengal Municipal Act 1993, as also ensure that there is no construction whatsoever effected by the private respondent.
5. Chinsurah Police shall also deploy sufficient force to assist the Chairman of the Hooghly-Chinsurah

Municipality to demolish unauthorised portion on the property of the private respondent. Such assistance shall be rendered when demolition shall be carried out under the guidance of the Hooghly-Chinsurah Municipality within a period of four days of receipt of a copy of this order.

6. The Hooghly-Chinsurah Municipality shall be entitled to recover the entire costs of demolition of unauthorised construction from the private respondent, inter alia, through their municipal tax paid bills or any step they may take under the West Bengal Municipal Act of 1993.
7. The writ petition is disposed of.
8. There will be no order as to costs.
9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)