

Item no.8
22.04.2024
Saswata

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

WPA 837 of 2024

**Jogesh Parik
-versus
Siliguri Municipal Corporation & Ors.**

Mr. Bickey Sharma	...For the Petitioner.
Mr. Deborshi Dhar	...For the Corporation
Mr. Sudhir Kumar Saha	...For the State

1. The instant writ petition has been filed, inter alia, praying for a direction upon the Municipal Authorities to take steps in furtherance with the notice dated 22nd January 2024.
2. The petitioner alleges that unauthorized construction had taken place at Pati Colony, Road no. 3, Ward no. 47 within the jurisdiction of Siliguri Municipal Corporation which is adjacent to the petitioner's premises.
3. On a previously instituted writ petition which was registered as WPA no. 256 of 2024 a Coordinate Bench of this Court by its order dated 21st February 2024 had directed the Municipal Authorities to submit a report in the form of affidavit, disclosing the steps taken by them on the basis of the compliant made by the petitioner.

4. Pursuant to the aforesaid order, the Municipal Commissioner had filed a report in the form of an affidavit, wherein it has been stated that despite the notice dated 13th February 2024, Sri Saumitra Debnath had failed to comply with the same. Although since thereafter, further steps were taken to cause demolition of the unauthorized structure by involving the I/C, Pradhannagore Police Station but the demolition work could not be executed, by reasons of the I/C, Pradhannagore Police Station employing inadequate police personnel.
5. It is further submitted that the same situation is still continuing and no steps have been taken to demolish the unauthorised construction.
6. Mr. Dhar, learned advocate appearing for the Corporation submits that they are in the process of taking further steps to enforce the final notice of demolition.
7. Heard the learned advocates appearing for the respective parties and considered the materials on record. Taking note of the nature of allegations made in the writ petition, I direct the I/C, Pradhannagore Police Station to be added as a party respondent to the instant writ petition. The department is directed to carry out the aforesaid amendment.

8. Mr. Saha, learned advocate appearing for the State accepts service of notice on behalf of the I/C, Pradhannagore Police Station.
9. It is well settled that illegal construction is a social evil. Despite steps taken by the Municipal Authorities, they could not enforce the order of demolition of the illegal construction.
10. Having regard to the fact that final demolition notice has already been issued and such notice has not been complied with by the illegal occupant, Sri Saumitra Debnath, I am of the view that the final direction issued by the Siliguri Municipal Corporation dated 22nd January, 2024 should forthwith be given effect to.
11. The I/C, Pradhannagore Police Station is directed to ensure adequate police assistance to the Municipal Authorities for the purpose of carrying out the aforesaid demolition work. The Municipal Commissioner is directed to notify the police authorities as regards the date and time, for police assistance for carrying out the demolition of the unauthorised construction in terms of the notice dated 22nd January, 2024, issued in furtherance to the official note sheet which encloses the sketch plan at page 1 thereof.

12. Let the aforesaid process be completed within a period of six weeks from the date of communication of this order.
13. The Municipal Authorities are directed to take steps for carrying out demolition proceedings in respect of its final notice dated 22nd January 2024, and to file a report on the execution of such work before the Learned Registrar of this Circuit Bench within 10 (Ten) weeks from date.
14. Since, nothing survives in the instant writ petition, WPA no. 837 of 2024 is disposed of without any order as to costs.
15. Urgent Photostat certified copy of this order, if applied for be given to the parties on priority basis upon completion of requisite formalities.

(Raja Basu Chowdhury, J.)