

01.07.2025
Sl. No.4
akd

W. P. A. 419 of 2025

[Bireswar Sarkar -Vs- The State of West Bengal & Ors.]

Mr. Amitabha Ghosh
... .. for the petitioner

Mr. Dipak Kumar Mukherjee
Mr. Rajib Mukherjee
Ms. Shreyasi Bhaduri
... .. for the Municipality
[Uttarpara Kotrung Municipality]

Mr. Raja Ram Banerjee
... .. for the State

1. Affidavit-of-service filed in court today is taken on record.
2. The petitioner in the present writ petition has approached this court alleging illegal and unauthorized construction on Holding No.66, Makhla 2 No. Govt. Colony under Uttarpara Kotrung Municipality, Hooghly, at the instance of the private respondent no.6.
3. The respondent-Uttarpara Kotrung Municipality has placed on record a report after conducting an inspection. The same is taken on record.
4. Report contains the demolition order dated 26.05.2025. Report further indicates that a hearing was given to both the parties. At the time of hearing, both the parties could not produce any sanctioned building plan or any document to establish that the building had been constructed with a valid sanctioned building plan. Under such circumstances, the Board of Councillors of Uttarpara Kotrung Municipality had declared that the construction at Holding No.66, Makhla 2 No. Govt. Colony under Uttarpara Kotrung Municipality, Hooghly, is an unauthorized construction.

5. In view of such report, this Court directs the respondent-Uttarpara Kotrung Municipality to carry out the demolition in terms of the order dated 26.05.2025 in accordance with law but positively within a period of six weeks from the date of communication of this order.

6. The Officer-in-charge, Uttarpara Police Station (respondent no.5) is directed to provide adequate police assistance, if the same is sought by the respondent-Uttarpara Kotrung Municipality for carrying out the said demolition, cost of which shall be borne by the party who has carried out the said unauthorized construction.

7. With the aforesaid directions, the present writ petition is disposed of.

8. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)