

27.03.2025
Item no. 5, 6.
Court No.29.
AB

C.P.A.N. 428 of 2023
In
M.A.T. 1358 of 2019

Rabindra Nath Chakraborty
Vs
Moloy Roy, Chairman,
Panihati Municipality

Mr. Saumitra Banerjeefor the Petitioner.

Mr. Bikash Kr. Chatterjee,
Mr. A. T. Bhadrafor the alleged Contemnor.

Dictated by Arijit Banerjee, J.

1. Report dated March 25, 2025, signed by the Executive Officer of Panihati Municipality, filed in Court today, be kept with the records.
2. The report is, inter alia, to the following effect:

“On 13/03/2025, the Chairman, Panihati Municipality passed a reasoned order directing Smriti Das and Rabindra Nath Das to demolish a portion of their building as found to be unauthorized as per report of the Sub Assistant Engineer, which also annexed with the reasoned order within 10 days from the date of the said order. The aforesaid order also sent to the aforesaid Smriti Das and Rabindra Nath Das through Peon Book but they refused to accept the said notice. As per reasoned order dated 13/03/2025 as passed by the then Chairman Panihati Municipality the aforesaid Smriti Das and RabindraNath Das failed to demolished when further notice was issued fixing date and time for such demolition work on 24/03/2025 at 12 noon. Accordingly the Sub Assistant Engineer, Mr. Amitava Sarkar along with some other employees of Panihati Municipality along with police force as rendered by Ghola Police Station went to the spot and demolished the unauthorized portion.”

3. Learned Advocate for the petitioner says that only about 20% of the unauthorized construction has been demolished till date.
4. Learned Advocate for the alleged contemnor says that the entire unauthorized construction shall be demolished in due course.
5. We see that a demolition order has been passed by the Municipality in conclusion of the proceedings under Section 218 of the West Bengal Municipal Act, 1993. Therefore, the Municipality is duty bound to carry out its own demolition order and complete demolition of the unauthorized structures in accordance with law at the earliest, subject to the demolition order being interfered with by any competent forum. Subject to the interdiction of any competent forum, we direct completion of the demolition activities within four weeks from the date of communication of this order by the petitioner to the Chairman of the Panihati Municipality.
6. CPAN 428 of 2023 stands disposed of.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Rai Chattopadhyay, J.)

(Arijit Banerjee, J.)