

25.06.2025
Sl. No. 12
Ct No. 3
SG

WPA 20948 of 2024

**Garia Mitali Sangha & Anr.
Vs
State of West Bengal & Ors.**

Ms. Archita Mandal.

...for the petitioners

Mr. Srijan Nayak,
Mr. Atish Kr. Biswas.

...for the KMC

Mr. Rabindra Narayan Dutta,
Mr. Krishna Deo Das.

...for the State

1. The petitioners have preferred the present writ petition alleging illegal construction and erection of tower at Mouza- Kamdahari, J.L. No. 49, P.S. Tollygunge now Bansdrani under R.S. Khatian No. 395, corresponding to R.S. Dag No. 821, area of land 84 decimal allegedly under the possession of Mitali Sangha Khalar Math.

2. Learned Counsel for the petitioners submit that a clock tower has been illegally erected on the above mentioned site.

3. The Corporation vide order dated 01.10.2024 was directed to file a report. The Corporation has filed a report wherein it is an admitted position that the clock tower which has been constructed is without any sanctioned plan.

4. Learned Counsel for the respondent though submits that there exists an inter se dispute among the members of the Garia Mitali Sangha and due to such inter se dispute, the present writ petition has been filed seeking demolition of the said clock tower.

5. Be that as it may, since the report filed by the corporation clearly indicates that the clock tower has been constructed without any sanctioned plan from the Building Department, Borough XI, it is expected that the Corporation shall proceed in accordance with law to take appropriate measures for demolition of the alleged unauthorized tower.

6. Learned Counsel for the respondent-Corporation assures this Court that appropriate steps shall be taken in accordance with law in respect of the illegal and unauthorized construction which has been carried out at the abovementioned site.

7. Learned Counsel for the petitioner submits that the petitioners are satisfied with the said statement of the learned Counsel for the respondent and further states that his clients' grievances shall adequately be redressed if the said unauthorized tower constructed without any sanctioned plan, is demolished by the respondent-Corporation.

8. In view of the report filed by the learned Counsel for the respondent, this Court directs the

respondent-Corporation to initiate the proceedings and take appropriate measures for the demolition of the said alleged illegal clock tower within a period of two months from the date of this order. Adequate police assistance shall be provided in case the same is sought for by the Corporation.

9. With the above direction, the present writ petition is disposed of.

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

11. There shall be no order as to costs.

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

(Gaurang Kanth, J.)