

Dd 18 29.01.2025

**FMA/110/2025
With
IA NO: CAN/1/2025**

**NITAI CHANDRA DAS
VS
THE STATE OF WEST BENGAL AND ORS.**

Mr. Tarique Quasimoddin,
Ms. Sanchita Chaudhuri,
Mr. Rahul Kumar Mahato,
Mr. Adnan Lodhi, Advocates
... .. For the Appellant

Md. Ahsanuz Zaman,
Mr. Abdus Salam, Advocates
... ..For the State

Mr. S. M. Hassan,
Ms. Anupama Yasmin, Advocates
.. ...For Haldia Municipality

Mr. Raj Kr. Sain, Advocate
.. ...For the respondent No. 9 & 10

1. Affidavit-of-service filed in Court be taken on record.
2. Appeal is directed against an order dated November 6, 2024 passed in WPA 12846 of 2024.
3. By the impugned order, learned single Judge held the order of demolition to be without jurisdiction. Learned single Judge dismissed the writ petition of the appellant who sought implementation of the order of demolition.
4. Appellant, Haldia Municipality, State as also private respondents are represented.
5. Appellant approached the writ Court with the prayer for implementation of an order passed by the

Executive Officer of Haldia Municipality. Executive Officer, Haldia Municipality entered into the arena as to a decision on the allegation of unauthorized construction in view of an earlier order passed writ Court. Executive Officer of Haldia Municipality passed the order dated July 7, 2023.

6. Haldia Municipality is established under the provisions of the West Bengal Municipal Act, 1993. Provisions of the Act of 1993 require the Board of Councillor of a municipality to decide the issue of an unauthorized construction.
7. Court is informed that, Board of Councillors are presently not available and is superseded by the administrator.
8. Issue of unauthorized construction requires decision.
9. Parties appearing before us agree that the administrator of the concerned municipality will decide the issue of unauthorized construction.
10. In such circumstances, the issue of unauthorized construction is remitted to the administrator of the concerned municipality for a decision.
11. We clarify that the administrator will not be prejudiced by any of the observations made in any of the earlier orders of the High Court including this order. We clarify that we did not enter into the arena of respective contentions of the private parties including the contentions of the private respondents that there exists a sanction and that the construction is in accordance with the sanctioned plan. Parties are at liberty to raise such issue as are available in law before the municipality.
12. Administrator, Haldia Municipality is requested to complete the entire exercise of decision on the issue

of unauthorized construction within four weeks from date.

13. Parties are liberty to communicate this order to the administrator for compliance.

14. FMA/110/2025 along with connected applications are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)