
(2013) 01 CAL CK 0060
In the Calcutta High Court
Case No : W.P. No. 23190 (W) of 2012

Haranath Podder

APPELLANT

Vs

The State of West Bengal and Others

RESPONDENT

Date of Decision : 15-01-2013

Acts Referred:

Citation : (2013) 01 CAL CK 0060

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Judgement

Jayanta Kumar Biswas, J.—The petitioner in this WP under art. 226 of the Constitution of India dated October 9, 2012 is alleging inaction on the part of the South Dum Dum Municipality in that the Municipality has not taken steps to enforce the demolition notice dated June 22, 2011 (WP p. 39). The notice was issued to the private respondent (Gopal Roy). Gopal was asked to demolish the unauthorised constructions pursuant to an order of the Board of Councillors of the Municipality dated November 27, 2009. The petitioner is alleging that though Gopal refused to abide by the demolition order, the Municipality did not take steps to demolish the unauthorised constructions.

2. Mr. Bihani appearing for the Municipality has prayed for an order condoning the laches on the part of the Municipality and permitting the Municipality to demolish the unauthorised constructions immediately.

3. Mr. Sengupta appearing for Gopal submits that Gopal, though could lodge an appeal against the demolition order dated November 27, 2009, did not file any appeal against that.

4. It is evident that the demolition order passed by the Board of Councillors of the Municipality as back as November 27, 2009 attained finality. Since Gopal did not demolish the unauthorised constructions in compliance with the demolition order against which he chose not to file any appeal as well, the Municipality incurred a statutory obligation to demolish the unauthorised constructions in

question in execution of the order of the Board of Councillors. Hence the petitioner has rightly made the allegation of inaction. For these reasons, I dispose of the WP directing the Municipality to demolish the unauthorised constructions in question, within four weeks from the date this order is served. Leave is granted to add the Municipality as a respondent. No costs. Certified xerox.