
(2013) 01 CAL CK 0077
In the Calcutta High Court
Case No : Writ Petition No. 24610 (W) of 2012

Narayan Debnath @ Harinarayan

APPELLANT

Vs

The State of West Bengal and Others

RESPONDENT

Date of Decision : 18-01-2013

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2013) 01 CAL CK 0077

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Advocate : Mrinal Kanti Mukherjee, for the Appellant; S.K. Kundu for the Second and Fourth Respondents and Mrs. Aparna Ghosh for the State, for the Respondent

Judgement

Jayanta Kumar Biswas, J.—The petitioner in this WP under art. 226 of the Constitution of India dated October 20, 2012 is questioning a notice dated September 7, 2012 (WP p.34) issued by the Chairman of the Shantipur Municipality. The Board of Councillors passed an order directing the petitioner to demolish the unauthorized construction specified in the order. The order was passed on November 25, 2006. By the impugned notice the Chairman of the Municipality has informed the petitioner that since the petitioner did not demolish the unauthorized construction, the Municipality has made arrangement for its demolition in execution of the order of the Board of Councillors.

2. Advocate for the petitioner submits as follows. The petitioner did not erect any unauthorized construction at the premises in question. Hence question of demolition of any unauthorised construction cannot and does not arise.

3. The admitted position is that the petitioner had a statutory remedy of appeal against the order of the Board of Councillors of the Municipality dated November 25, 2006. He did not file any appeal. The order of the Board of Councillors attained finality long ago. Since he did not demolish the construction in question, the Chairman, in my opinion, was justified in issuing the impugned notice. For these reasons, I dismiss the W.P. No. costs. Certified xerox.