

Court No. 2

17.08.2023

(JPD 2)

(S. Banerjee)

Calcutta High Court
In the Circuit Bench at Jalpairuri
Appellate Side

W. P. No. 1853 of 2023

**Bir Bahadur Blon
Vs.
The State of West Bengal & Ors.**

Mr. Anand Bhandari
Mr. Urgen Lama
Mr. Mayank Bhandari

... for the petitioner

Mr. Subir Kumar Saha, AGP
Mr. Pretom Das

... for the State

Mr. Ujjwal Luksom
Mr. Bikash Singha

... for the Kalimpong Municipality

The Executive Officer of Kalimpong Municipality, Mr. Sabyasachi Chatterjee, is personally present in compliance with the order passed by this court on 16.08.2023. He has submitted that the whole construction is illegal. A part of the construction has already been demolished. Learned advocate for the municipality has produced one photograph which is kept on record. For demolition of other part, some technical steps are required to be taken so that the premises below the illegal construction is not jeopardized. Therefore, the municipality prays for five days' time for demolition of the rest of the illegal part, i.e., the rest of the building as the whole building is an illegal construction.

A report as to partial demolition of the building is to be filed before this court at 4 p.m. today and on 22nd August, 2023 at 4 p.m. a report has to be filed by the Executive Engineer of the Kalimpong Municipality that the whole construction has been demolished. If it is not done by that time, this court will issue one suo motu Rule of contempt and the contempt matter will be heard on 23rd August, 2023 and appropriate steps in the contempt proceeding will be taken.

Learned advocates for the petitioner and the municipality have submitted that their names have not been correctly gone down in the order dated 16.08.2023.

Their names are to be read in the order dated 16.08.2023 for the petitioner and for the Kalimpong Municipality and also for the State.

The personal appearance of the Executive Officer of the Kalimpong Municipality is dispensed with as of now.

(Abhijit Gangopadhyay, J.)