

Court No. 2

25.08.2023

(JPD 5)

(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
Mr. Pretom Das

... for the State

Mr. Bikramaditya Ghosh
Mr. Ujjwal Luksome
Mr. Bikash Singh

... for the Municipality

A report has been filed by the Executive Engineer of Kalimpong Municipality as to the demolition of the left out part of the said illegal construction. The report is dated 24.08.2023 bearing memo. no. 817/K.M. Along with the report in compliance with the order some photographs have been annexed which show that the work of demolition is going on.

Learned advocate appearing for the said Municipality has submitted that the raised portion of the building is being demolished and it will take few days' time to complete the said demolition.

Therefore, I grant further five days' time to complete the demolition.

This matter will appear before me on 31st August, 2023 when the parties are granted liberty to appear via video conferencing as on the day I will sit in the Principal Bench.

The record of the case are to be sent to the Principal Bench.

The report filed today, along with the photographs, are kept on record.

A cost of Rs. 10,000/- was imposed upon the Executive Engineer.

However, considering the problem faced by him and also considering his quick action in this regard, I waive the entire cost.

It is surprising that the person who constructed the illegal building on the plot of land, built it on some others property, i.e., on the property of the petitioner.

I direct the respondent no. 5, who built the illegal construction, to also appear via video conferencing on 31st August, 2023.

(Abhijit Gangopadhyay, J.)