

21.09.2023
Item No. JPD2
Ct. No.17
S.A.

**High Court at Calcutta
In the Circuit Bench at Jalpaiguri
Appellate Side**

From Principal Bench

WPA 1853 of 2023

**Bir Bahadur Blon
-vs-
State of West Bengal & Ors.**

Mr. Anand Bhandari
Mr. Panthu Rai
...for the petitioner

Mr. Akash Dutta
Mr. Zafar Sultan
Ms. Sadhana Sultan
Mr. Nimdojee Lepcha
...for the respondent no.5

Mr. Amrit Lal Dhar
...for the respondent no.7

Mr. B. P. Subba
Mr. Ujjwal Lukksome
Mr. Bikash Singh
...for the Kalimpong Municipality

The petitioner has filed one affidavit stating that the entire construction has not been demolished. However, some labourers were engaged to demolish rest of the existing structure. He has also annexed four photographs in this affidavit.

The Executive Officer of Kalimpong Municipality has filed one affidavit wherein some technical defects for moving the bulldozer has been indicated. However, some experienced labourers have been engaged there.

I direct the Executive Officer to take full precaution while demolishing the rest of the building to see that no labourers are placed in huge risk while demolishing the building. For the safety of the labourers he may engage lesser number of labourers for demolition of the existing part of the building. The demolition of the illegal building is important to the law abiding citizens of India but the lives of the labourers are no less important.

I restrain all to construct anything on the plot of the land of the petitioner except the petitioner himself till the matter is disposed of.

The matter has already marked as heard-in-part.

It will appear before this court on 7th December, 2023.

List the matter accordingly.

The personal appearance of the respondent no.7 is dispensed with as of now. But her role is required to be adjudicated as she was the Councillor at the material point of time when the illegal construction was going on the plot of the land of the petitioner.

Affidavit of service filed by the petitioner, by the Executive Officer and also by the respondent no.7 are kept on record.

(Abhijit Gangopadhyay, J.)

