

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGUTI**

02
18.12.2023
KC

WPA No.1853 of 2023

Bir Bahadur Balon
Vs.
The State of West Bengal & Ors.

Mr. Anand Bhandari
Mr. Urgen Lama
... for the petitioner

Ms. Nibedita Chakraborty
... for the Municipality

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

Mr. Amritalal Dhar
... for the respondent no. 7

Learned advocate for the Kalimpong Municipality has submitted that 18 labourers though have been engaged by payment of Rs. 700/- per labourers per day, the debris after demolition of the wholly illegal construction are so huge that it cannot be removed before three months.

The Chief Executive Officer of Kalimpong Municipality Mr Sabyasachi Chattopadhyay is present. After

taking instruction from him, learned advocate for the Municipality has submitted that further atleast 10 labourers are required to be engaged to remove the debris so that the whole debris can be removed from the place by one month from date.

I direct the respondent no. 5, who made the illegal construction on the land of the petitioner and without any building plan to engage 10 labourers by three days from date so that they also can work for removal of debris. However, the respondent no. 5 should take all precautionary measures as has been directed by this Court to the Municipality for the protection of the labourers for suffering from any untoward incident like loss of life or limb of the labourers. If by three days from date such labourers are not engaged by the private respondent no. 5, I direct the Municipality to engage further 10 labourers and the entire amount for payment to the said 10 labourers has to be realised from the respondent no. 5 because it was his illegal house for destruction of which debris has been accumulated. The amount to be paid, if any, by the Municipality for the additional 10 labourers can be realised from the said private respondent as arrear of land revenue. In any event, the Municipality shall also take all

steps so that the life or limb of the additional labourers like the labourers who were already engaged in the job are not jeopardised.

The debris has to be removed by 1st February, 2024.

List this matter for further hearing on 31st January, 2024 under the same heading like today.

(Abhijit Gangopadhyay, J.)