

14. 08. 2023

BP
Sl. 37
Court No.2

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

WPA 1853 of 2023

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

Mr. Anand Bhandari
Mr. Urgan Lama
Mr. Maynak Bhandary
..for the petitioner

Mr. Ujjwal Luksom
Mr. Bikash Singha
..for the Kalimpong Municipality

Mr. Subir Kumar Saha
Mr. Pretom Das
..for the State

Despite service nobody appears for the respondent no.5. A notice dated 05.05.2022 was given to the respondent no.5 by Kalimpong Municipality which appears from page 44 of the writ application. Thereafter there was a hearing as appears from page 43 of the writ application which is a decision for dismantling the illegal construction constructed by the respondent no.5.

My attention has been drawn by the petitioner to the second paragraph of page 44 where it has been recorded that the respondent no.5 admitted that he constructed the house situated at 11th Mile, Rishi Road,

below CST school without proper permission from Kalimpong Municipality. In respect of this notice it has not been shown to me by anybody that this notice was challenged where the admission of the respondent no.5 has been recorded.

After considering the submission and the pleading, I direct the Kalimpong Municipality to demolish the illegal part of the construction, for which admittedly no permission was taken from the Municipality, by 12 mid- night today. The Municipality is given liberty to use bulldozer to demolish the illegal construction in this regard. This court requires a report as to compliance of the order day after tomorrow when it will appear in the list and will be taken up at 1.15 p.m.

List the matter accordingly.

(Abhijit Gangopadhyay, J.)

