

Item-
7. 05-08-2026

CO 907 of 2025
CAN 1 of 2025

sg Ct. 6

Sikha Dalal
Versus
Sagar Kumar Mathur & Anr.

Mr. Uttiyo Ray
Mr. ATish Santra

...for the petitioner

Mr. Amitava Paine
Ms. Manideepa (Paul) Roy

...for the O.P no. 1

Mr. Subhasis Bandopadhyay

...for the O.P. no.2

Though this matter is appearing under the heading “Extension of Interim Order” but with the consent of the learned advocates for the respective parties the main civil revisional application is taken up for final hearing by treating the same as on the day’s list.

This application under Article 227 of the Constitution of India is at the instance of the complainant in a demolition proceeding and is directed against an order being No.9 dated January 9, 2025 passed by the learned Civil Judge (Sr. Div.), 2nd Court at Burdwan in Misc. Case 59 of 2026.

By the order impugned the application of the petitioner for being added as a party in the miscellaneous case arising out of an order of demolition passed by the Burdwan Municipality stood rejected.

The petitioner lodged a complaint before the authorities of Burdwan Municipality alleging that the opposite party no.1 has raised construction in violation of the sanctioned building plan and the building rules.

The order of demolition dated 29th April, 2022 was passed by the Board of Councillors of the Burdwan

Municipality. Being aggrieved by the order of demolition passed by the Board of Councillors, Burdwan Municipality, the opposite party no.1 filed an appeal under section 218(3) of the West Bengal Municipal Act, 1993 before the learned Civil Judge (Junior Division) 2nd Court, Burdwan impleading the Chairman of Burdwan Municipality as the sole opposite party in the said Misc. Case.

The petitioner herein, being the complainant, approached the learned Civil Judge praying for being added as a party in the said Misc. Case. Such application was rejected by the impugned order.

Mr. Ray, learned advocate appearing for the petitioner submits that the petitioner, being the complainant, is a necessary party in the said Misc. Case.

Mr. Paine, learned advocate appearing for the opposite party no.1 submits that the issue which is to be adjudicated in the said Misc. Case is whether the order passed by the authorities of Burdwan Municipality can be sustained in the eye of law. He submits that considering the scope of appeal, the petitioner is neither necessary party nor proper party in the said Misc. Case.

Heard Mr. Bandopadhyay, learned advocate appearing for the Burdwan Municipality.

The Misc. Case arises out of an order of demolition passed by the Board of Councillors of Burdwan Municipality. The demolition proceeding was initiated on the basis of a complaint lodged by the petitioner. It is not in dispute that the order of demolition was passed after affording an opportunity

of hearing to the petitioner and the opposite party no.1.

Since the demolition proceeding was initiated on the basis of the complaint of the petitioner, this Court is of the considered view that such complainant is a necessary party in an appeal filed under Section 218(3) of the West Bengal Municipal Act, 1993. The learned Civil Judge applied the wrong legal tests while rejecting the application filed by the petitioner of addition of party.

For such reason, this Court is inclined to interfere with the order impugned. Accordingly, the order dated 9th January, 2025 passed by the learned Civil Judge (Junior Division), 2nd Court, Burdwan is set aside.

The application under Order 1 Rule 10 of the Code of Civil Procedure filed by the petitioner on 2nd August, 2024 stands allowed.

The petitioner is added as a party in the said Misc. Case.

The opposite party no.1 is directed to serve copies of the memorandum of appeal and the connected applications upon the opposite parties as expeditiously as possible but positively within a period of three weeks from the receipt of a server copy of this order.

Considering the fact that the appeal arises out of an order of demolition passed by the Municipal Authority, the learned Judge (Junior Division), 2nd Court, Burdwan, is requested to make all endeavour to dispose of the Misc. Case No. 59 of 2024 as expeditiously as possible but preferably within a period of four months from the next date fixed

without granting any unnecessary adjournments to either of the parties.

With the aforementioned directions and observation, CO 907 of 2025 and CAN 1 of 2025 are accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Hiranmay Bhattacharyya, J.)