

15.9.2021
Court No. 19
Item no.10
sn

WPA No. 4666 of 2021

SAMBHU MISTRI VS. THE STATE OF WEST
BENGAL & ORS.
(via video conference)

Mr. Sounak Bhattacharya
Mr. Sounak Mondal ...for the Petitioner

Mr. Bipin Ghosh ..for the State

Mr. Subhendu Banerjee ..for the Municipality

The petitioner alleged inaction on the part of the Joynagar Mazilpur Municipality in the implementation of the order of demolition issued by the municipality.

The learned advocate for the municipality was directed to take instructions and file a report.

On the last occasion, the respondent no.6 was not present. Even today, the respondent no.6 is not present.

It is contended by the learned advocate for the municipality that aggrieved by the order of demolition, the respondent No. 6 initiated a proceeding before the learned Civil Judge(Junior Division) 3rd Court at Baruipur under the provisions of Section 218(3) of the West Bengal Municipal Act, 1993. The said appeal has been registered as Title Suit No. 342 of 2021.

According to the municipality, due to pendency of the appeal and order passed by the appellate forum, the demolition order cannot be implemented. Copies of the memorandum of appeal and application for stay have been handed over to the learned advocate for the municipality. The same is taken on record. It appears that the petitioner is also a party in the appeal.

This writ petition is disposed of granting liberty to the parties to contest the proceeding before the appellate forum.

The order of demolition shall abide by the result of the appeal.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)