

27-05-2021

ct no. 13

Sl.12

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**WPA 10523 of 2021
(Through Video Conference)**

Samir Kumar Bhattacharjee

-Versus-

The State of West Bengal & Ors.

Mr. Subrata Bhattacharya

....for the petitioner

The petitioner is aggrieved by steps taken towards demolition of a portion of his property by the Burdwan Municipality. The said order of demolition appears to have been stayed by the learned Civil Judge (Junior Division), 2nd Court at Burdwan in Misc. Case No. 49 of 2019.

The private respondents, however, approached this Hon'ble Court in WPA 11049 of 2019 (Ramesh Sonkar & Anr. vs. The State of West Bengal & Ors.). The said writ petition was disposed of by order of a Co-ordinate bench dated April 12, 2021 directing the Burdwan Municipality to take necessary steps for demolition of unauthorized construction.

The petitioners herein, who were private respondents in the said writ petition did not appear despite service as recorded by the Co-ordinate Bench.

The petitioner seeks stay of the demolition order.

This Court is of the clear view that the petitioner's remedy is to seek recall or modification of the order dated April 12, 2021 and not filing of a fresh writ petition.

The writ petition shall therefore stand dismissed.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)