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Court
No. 11 22.9.2021
G.S.Da
s

**MAT 985 of 2021
With
CAN 1 of 2021**

Avijit Dutta

-Vs-

**Partha Pratim Ghosh & Ors.
(Via Video Conference)**

Mr. Ranajit Chatterjee
Mr. Victor Chatterjee
Mr. Aniruddha Mitra

... for the Appellant

Mr. Subrata Mukhopadhyay
Mr. Amitabha Ghosh
Mr. Bandhu Brata Bhuia
Ms. Mandira Bhowmick
Sk. Sujauddin

... for the State-respondent

Mr. Dipak Kumar Mukherjee
Mr. Rajib Mukherjee
Mr. Supriya Dey Barat
Ms. Shreyasi Bhaduri

... for the Bhatpara Municipality

Party/Parties is/are represented in the order of
their name/names as printed above in the cause title.

Under challenge in this appeal is the order of the
Hon'ble Single Bench dated 13th August, 2021 in
WPCRC No. 33 of 2021 filed in WPA 6948 of 2020
wherein the Hon'ble Single Bench directed the
Appellate Authority to dispose of the appeal of the
present appellant, who are the private respondents in
the writ petition/and also the alleged contemnors. The
appeal challenges the order of demolition passed by the
respondents/the Bhatpara Municipality *qua* the

property in issue.

The Hon'ble Single Bench was further pleased to hold that in the event the appeal is not filed *mandatorily and positively* by the 9th of September, 2021 before the Appellate Authority which, this Court is informed, is the Court of the Learned Civil Judge (Junior Division), 1st Court at Barrackpore, (now referred to only as the Appellate Authority), the respondents/Bhatpara Municipality shall proceed to demolish the unauthorised construction made by the private respondent/the appellant.

Mr. Chatterjee, Learned Counsel, appearing for the appellant submits that the appellant has the right to complete the adjudication process in the appeal. Pending orders in the appeal, the order of demolition passed by the Hon'ble Single Bench be stayed.

Mr. Mukherjee, Learned Counsel appearing for the writ petitioners/the private respondents in this appeal, submits that the appellant had not appeared before the Appellate Authority on several dates even after the order of the Hon'ble Single Bench dated 13th of August, 2021. Even the Municipality has delayed in communicating the order of the Hon'ble Single Bench dated 13th of August, 2021, till the 8th of September, 2021.

Mr. Mukherjee further points out that the present appellant also filed an application under Section 151 of

the Code of Civil Procedure for staying the order of demolition in the appeal.

The application for stay was considered and rejected on contest.

The respondents/the Bhatpara Municipality is represented by Learned Counsel.

Having heard the parties and considering the materials placed, this Court notices the fact that interim reliefs were denied by the Appellate Authority to the appellant. This Court also notices that the matter has been dragged before the Appellate Authority; one date after another, in the teeth of the order of the Hon'ble Single Bench dated 13th August, 2021.

This Court is also not required to comment further on the conduct of the Respondents/the Bhatpara Municipality which shall be assessed by the Hon'ble Single Bench in the proceedings pending before it.

In the conspectus of the above recorded facts, this Court is not persuaded to intervene in the order impugned dated 13th of August, 2021.

MAT 985 of 2021 along with **CAN 1 of 2021** stand thus **dismissed**.

All parties to act on the gist of the communication of this order.

All parties to act on a server copy of this order

duly obtained from the official website of the Hon'ble High Court, Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Kesang Doma Bhutia, J.) (Subrata Talukdar,J.)