

19,DL,Ct.18
13.09.2021
AJ.

C.O. 1580 of 2021
(Through Video Conference)

Sri Kali Prasad Shaw
-Vs-
The Board of Councillors of
Baranagar Municipality & Anr.

Mr. Aniruddha Chatterjee,
Mr. Abir Lal Chakravorti.
... for the petitioner.

Mr. Jahar Chakraborty,
Ms. Mitali Bhattacharya.
....for the opposite party no.2.

The instant revisional application under Article 227 of the Constitution of India is directed against Order dated August 25, 2021 passed by the learned Civil Judge (Junior Division), Bidhannagar in Municipal Appeal No.2 of 2018.

The petitioner has challenged the decision of the Board of Councillors for demolition of alleged unauthorized construction in the Premises No. 302/1/B, Gopal Lal Thakur Road, Police Station – Baranagar, Kolkata – 700036 in the aforesaid municipal appeal under Section 218(3) of the West Bengal Municipal Act, 1993.

The Appeal Court below by the order impugned has vacated the order staying the operation of the order under challenge in the said appeal.

The petitioner is pursuing his statutory relief of appeal and pending disposal of such appeal the operation of the decision of the Board of Councillors of the said municipality unless stayed, the appeal would become infructuous.

Therefore, the Appeal Court below is not justified in vacating the said order of stay.

The order impugned for the aforesaid reason is set aside.

The operation of the decision of the Board of Councillor under challenge in the connected municipal appeal is stayed till the disposal of the said appeal.

Mr. Chakraborty, learned senior advocate appearing on behalf of the opposite party no.2 submits that his client is suffering for the unauthorized construction and he prays that the appeal may be disposed of expeditiously.

This Court appreciates the anxiety of Mr. Chakraborty's client, the decision of the Board of Councillors is pending execution for a considerable period of time.

The Appeal Court below is therefore directed to dispose of the Municipal Appeal No. 2 of 2018 as expeditiously as possible preferably within a period of sixty days from the date of communication of this order and in doing so shall not grant any unnecessary adjournment to either of the parties.

C.O. 1580 of 2021 is allowed with the above terms without any order as to costs.

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

(Biswajit Basu, J.)