

S/L 9
24.11.2021
Court. No. 19
GB

WPA 18559 of 2021

Abdul Rahman Molla
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Md. Ghalib Rizwan.

...for the Petitioner.

*Mr. R.N. Chakraborty,
Mr. M. Ahmed..*

...for the Municipality.

*Mr. Debjit Mukherjee,
Mr. Suman Banerjee,
Mr. Nilanjan Pal,
Ms. Dipanwita Ganguly.*

....for the Respondents Nos. 6 to 10

Affidavit-of-service filed in Court today be kept with the record.

The petitioner has moved this Court on the ground of violation of principles of natural justice. According to the petitioner, the reasons have not been recorded in the order impugned. However, as the order impugned is an appealable order, this Court does not entertain the writ petition.

The petitioner shall prefer an appeal in accordance with law and shall also be at liberty to pray for an interim order upon notice to the municipality as also the complainant.

There shall be an unconditional stay of the demolition for a period of six weeks. If within the aforementioned period the petitioner is not granted any interim order by the learned appellate court, then the municipality may proceed in accordance with law.

This Court has not gone into the merits of the claims and counter-claim of the parties. The learned appellate court will decide the issue independently without being influenced by any observations made hereinabove.

Accordingly, the writ petitioner is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)