

**MAT 1364 of 2021
With
CAN 1 of 2021**

**Ajoy Mandal & Ors.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)**

Mr. Anindya Lahiri
Mr. Suchindram Bhattacharjee
... .. for the appellants

Mr. Susovan Sengupta
Mr. Manas Sadhu
Mr. Bipin Ghosh
... .. for the State

By this appeal the order of the learned Single Judge dated 20th December, 2021 passed in CPAN 929 of 2021 in WPA 11608 of 2020 has been questioned.

Submission of learned counsel for the appellants is that against the order of the SDO dated 17.12.2021 the appellants have the remedy of filing an appeal within a period of 15 days and the said period has not expired. Therefore, the demolition could not have been directed. On this premises he has challenged the order passed by the learned Single Judge.

Having examined the order of the learned Single Judge we find that there is no direction in the said order to the authority to carry out the demolition.

The issue which the appellants is raising can very well be raised before the learned Single Judge as CPAN 929 of 2021 has been kept pending and has been fixed for 24th December, 2021.

In this view of the matter, we find no reason to interfere in the order of the learned Single Judge.

The appeal is accordingly disposed of, however, with liberty to the appellants to point out the issue in question to the learned Single Judge in the pending petition.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)