

19.02.2021

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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 21164 of 2019
(Via Video Conference)

Sanjoy Sarkar
-Vs-
The State of West Bengal & Ors.

Mr. Arindam Sen,
Mr. Sandeep Prasad Shaw,
Ms. Priyanka Gupta,
Ms. Rinku Sen,

... for the petitioner

Mr. Srijan Nayak,
Ms. Rituparna Maitra,

... for the Municipality

Mr. Soumen Bhattacharjee,

... for the private respondent

The petitioner prays for implementation of the order of demolition passed by the Balurghat Municipality under Section 218 of the West Bengal Municipal Act, 1993.

The learned advocate appearing on behalf of the private respondent submits that a statutory appeal has been preferred by his client challenging the order of demolition being Case No. OC 30 of 2017 and the same is pending consideration before the learned Civil Judge (Junior Division), Balurghat.

The learned advocate appearing on behalf of the Municipality submits that the order of demolition could not be executed in view of the pending litigation.

As it appears that the order which the petitioner is seeking implementation is already under challenge before the Appellate Authority, the Municipality shall act in accordance with the order passed in the said proceeding.

No relief can be granted to the petitioner in the instant case.

WPA 21164 of 2019 stands disposed of.

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

(Amrita Sinha, J.)