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Ct. 18
14.01.2022

**C.O. No. 62 of 2022
(Via Video Conference)**

**Chanchal Kumar Das
Vs.
The Chairperson, Board of Administrators,
Rajpur Sonarpur Municipality & Ors.**

Mr. Partha Pratim Roy,
Mr. Dibakar Bhattacharjee ... For the petitioner.

Mr. Mir Anuruzzaman ... For the Chairperson of
Rajpur Sonarpur Municipality.

The petitioner by the present application under Article 227 of the Constitution of India has challenged the order dated January 07, 2022 passed by the 2nd Court of learned Civil Judge, (Junior Division) at Baruipur, District – 24 Parganas (South) in an appeal under Section 218 (3) of the West Bengal Municipal Act, 1993 being Other Appeal No. 1 of 2022.

The petitioner in the said appeal has challenged an order of demolition of the alleged unauthorized construction passed by the Board of Councilors of the Rajpur Sonarpur Municipality.

The appeal Court below by the order impugned has refused to pass an ad interim order of stay of the order under challenge in the appeal without notice being served upon the caveator.

This Court does not find any illegality and/or infirmity in course adopted by the appeal Court below, requiring interference in the order impugned.

Mr. Roy, learned advocate appearing on behalf of the petitioner submits that the caveator was subsequently served with a notice and has appeared in the appeal.

That being the present development C.O. 62 of 2022 is disposed of granting liberty to the petitioner to renew his prayer for ad interim order of stay on the next date fixed in the said appeal subject to the notice being served upon the caveator.

There shall be no 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.)