

D/L 8  
25.8.2022  
Court No.24  
SD

WPA 1676 of 2022  
With  
CAN 1 of 2022  
(Application is not in the file)

Samir Saha  
Vs.  
South Dum Dum Municipality & Ors.

*Mr. Sulagna Mukherjee*  
*Mr. Ashis Kumar Mukherjee*  
*Mr. Saurabh Prasad*

*...for the Petitioner.*

*Ms. Mousumi Bhowal*  
*Mr. Ishan Bhattacharya*

*...for the Municipality.*

*Mr. S.K. Roy*  
*Mr. Soumik Dey*  
*Mr. Subhomoy Paul*

*...for the Respondent No.5.*

*Mr. Kaushik Dey*  
*Mr. Mritunjoy Saha*

*...for the Added Respondent.*

The South Dum Dum Municipality has issued an order of demolition of a portion of the building which has been constructed without obtaining any sanction plan on August 4, 2022. The demolition was to be concluded within August 19, 2022.

The person aggrieved has filed Municipal Appeal being No.03 of 2022 before the competent court. An order has been passed by the learned Court on August 10, 2022 whereby the respondents have been restrained from giving any effect to the order of demolition. The writ petitioner is a party in the said municipal appeal.

It will be open for the petitioner to contest the municipal appeal that has been filed challenging the order of

demolition. No further order is required to be passed in this writ petition,

The order of demolition and the order passed by the learned Court in the Municipal Appeal be retained with the records.

*Re: CAN 1 of 2022:*

This is an application for addition of party by the applicants who claim themselves to be co-owners of the property in question.

It has been submitted that the applicants are necessary parties in view of the fact that the property is a joint one and a suit for partition is pending for consideration before the learned Court below.

As the Court has come to an opinion that the petitioner may approach the learned Court below for redressal in the municipal appeal that is pending, accordingly, the applicants will be at liberty to approach the learned court below for being added as parties, in the event they are not impleaded as parties in the said appeal.

Accordingly, this writ petition along with connected application stands disposed of.

Urgent certified photocopy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

**(Amrita Sinha, J.)**