

02.03.2022
Item no.8
Court No.6.
AB

**M.A.T. 220 of 2022
With
IA CAN 1 of 2022**

Pampa Mondal

Vs

The State of West Bengal & Others

Ms. Pampa Dey (Dhabal)for the Appellant.

Mr. Sarwar Jahan,
Sk. Abumusa ...for the Respondent No.7.

By consent of the parties, the appeal and the application are taken up together for hearing.

The writ petitioner challenged a demolition order before the learned Single Judge. The learned Judge rejected the writ petition observing that the writ petitioner's remedy lies in an appeal to be filed under the provisions of the West Bengal Municipal Act, 1993.

The order impugned is unexceptionable. The learned Judge, however, granted three months' time to the writ petitioner to obtain interim order from the appellate forum.

The appellant says that three months is not enough. She has filed an appeal against the demolition order in the Court of the Civil Judge (Junior Division), 3rd Court, Alipore. An injunction application has been taken out. Put-up petition has been filed. It may take

some time before the appellant is able to obtain a protective order.

Having heard learned Counsel for the parties and considering the fact that the Courts are in the process of getting back to normal functioning after the severe onslaught of the pandemic, we dispose of the appeal and the connected application by extending the time for the appellant to obtain protective order from the Appellate Court till the end of May, 2022. We clarify that if the appellant is not successful in obtaining interim order in the pending appeal by the end of May, 2022, then the proceedings initiated by the Municipality shall continue in accordance with law.

Needless to say, the learned Civil Judge before whom the appeal is pending will not be influenced in any manner by any observation either in this order or in the order impugned before us.

Since we have not called for affidavits, the allegations in the stay petition are deemed not to be admitted by the respondents.

MAT 220 of 2022 along with IA CAN 1 of 2022 is, accordingly, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)