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02.03.2022

**C.O. No. 609 of 2020
(Via Video Conference)**

**Eastern Devcon Limited
Vs.
Board of Councillors of the North Barrackpore
Municipality & Anr.**

Mr. Partha Pratim Roy,
Mr. Ayan Banerjee,
Mr. Anirban Das ... For the petitioner.

Mr. Subhabrata Das
... For the North Barrackpore Municipality.

The petitioner has filed the Title Suit No. 633 of 2018 before the 1st Court of learned Civil Judge(Senior Division) at Barasat, District – 24 Parganas (North) for a decree of permanent injunction restraining the Board of Councillors of the North Barrackpore Municipality from implementing its resolution to demolish the suit property.

The petitioner in the said suit filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure. The learned Trial Judge refused to pass an ad interim order of injunction on the said application.

The petitioner aggrieved by the said order has preferred the connected miscellaneous appeal. The appeal Court below by the order impugned has dismissed the said appeal.

Mr. Partha Pratim Roy, learned counsel for the petitioner submits that in view of availability of

the alternative relief of appeal against the said resolution of demolition of the suit property under Section 218 (3) of the West Bengal Municipal Act, 1993, his client intends to pursue the said remedy of appeal instead of proceeding with the connected suit.

In view of such stand of the petitioner, Title Suit No. 633 of 2018 is dismissed as withdrawn.

The learned Trial Judge is requested to record formal order of dismissal of the said suit upon production of the copy of this order.

Mr. Roy, submits that his client shall file the said appeal within a week from date.

In view of dismissal of the connected suit, the present revisional application has become infructuous. C.O.609 of 2020 is dismissed as such, without any 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.)