

03.08.2022
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AN/Ct. No.25

WPA 3408 of 2019
with
I.A. No. CAN 1 of 2019 (Old No. CAN 5257 of 2019)

Sri Tridib Banerjee & anr.
versus
State of West Bengal & ors.

Mr. Prasanta Kumar Banerjee
Ms. Indrani Nandi

... for the petitioner

Mr. Dipak Kumar Mukherjee
Mr. Rajib Mukherjee
Ms. Shreyasi Bhaduri

... for the Municipality

Mr. Anil Kumar Mukhopadhyay
Ms. Anita Khatri

... for respondent No. 6

Learned counsel for the petitioner, on instruction,
submits that he is instructed not to press Prayer (d) of the
writ petition which runs as follows:

*“(d) A writ in the nature of Mandamus by
directing the Rspondent No. 3 to withdraw the
order dated 29.1.2019 being Annexure ‘P-18’
forthwith and after hearing both the parties to
pass a reasoned order afresh;”*

Acordingly, the relief claimed in Prayer (d) of the
writ petition is rejected as not pressed.

The grievance of the petitioner is that the
Municipality has not taken any steps pursuant to the
order passed by a Coordinate Bench of this Court in W.P.

20787(W)/2018 wherein the Municipality was directed to initiate the proceedings under Section 218 of the 1993 Act.

It appears from the record that the Board of Councillors of the Uttara Para-Kotrung Municipality has taken a decision directing the private respondent to demolish the cantilever portion in the first and second floor of the premises in question within the time limit mentioned therein.

Learned counsel for the private respondent submits that a statutory appeal under Section 218(3) of the 1993 Act has been preferred by the private respondent and an interim order staying operation of the order of demolition has been passed by the learned Civil Judge, Junior Division, 1st Court, Serampore, Hooghly in Misc. Appeal No. 2 of 2019.

Since the decision has already been taken by the concerned Municipality and such decision is pending for consideration before the statutory appellate authority, no order can be passed in this writ petition.

Accordingly, the instant writ petition is disposed of, however, without any order as to costs.

It will be open to the petitioner to make appropriate submissions before the learned Civil Court which is in seisin over the said Misc. Appeal in accordance with law.

Consequently, the connected application stands disposed of.

(Hiranmay Bhattacharyya, J.)