

13.07.2022
Item No.08
Court No.18
AJ.

C.O. 816 of 2022

Eastern Devcon Limited

-Vs-

**Board of Councillors of the North
Barrackpore Municipality & Anr.**

Mr. Partha Pratim Roy,
Mr. Anirban Das.

.....for the petitioner.

Mr. Mrinal Kanti Das,
Mr. Subhabrata Das.

.....for the North Barrackpore
Municipality.

The petitioner being aggrieved by the resolution for demolition of the offending construction at Holding No. 109 of the Ward No. 23 of the Board of Councilors of the North Barrackpore Municipality, 24-Parganas (North), has preferred an appeal under Section 218(3) of the West Bengal Municipal Act, 1993 being Misc. Appeal No. 1 of 2022 before the learned Civil Judge (Junior Division), 2nd Court at Barrackpore, District-24-Parganas (North).

The appeal Court below by the order impugned being Order No.1 dated March 10, 2022 has refused to pass an ad-interim order of stay of the said resolution of the Board of Councilors.

The resolution of demolition is under challenge in a statutory appeal, pending such challenge the said resolution cannot be allowed to be executed and/or implemented rendering the said appeal infructuous.

That apart, Mr. Das, learned advocate for the Municipality, has rightly submitted that no fruitful purpose would be served keeping the instant revisional application pending instead the application for stay may be directed to be disposed of expeditiously.

Let the operation of the resolution of the Board of Councillors for demolition of the offending construction at Holding No. 109 of the Ward No. 23 of the Board of Councilors of the North Barrackpore Municipality, 24-Parganas (North) be stayed till the disposal of the application for stay filed by the appellant/petitioner.

The Appeal Court below is requested to dispose of the said application expeditiously. It is made clear that this Court has not gone into the merit of the said application; it is for the Appeal Court below to decide the same in accordance with law.

C.O. 816 of 2022 is disposed of with the above terms 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.)