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C.O. 1295 of 2022

**Samyabrata Guha
Vs
Chairperson, Board of Administrators, North
Barrackpore municipality & Anr**

**Mr. Debraj Bhattacharya,
Mr. Subhrojyoti Bhowmick,
Mr. Saikat Ghosh, ... For the petitioner.**

**Mr. Mrinal Kanti Das,
Mr. Subhabrata Das,
... For the opposite party No. 1.**

Petitioner assails the order dated 6th May, 2022 passed in Municipal Appeal No. 2 of 2022 declining to grant any stay.

Admittedly, an appeal has been preferred challenging the order of demolition. That appeal is still pending.

Learned advocate appearing for the petitioner submits that in the absence of any interim protection being granted, pending decision of the appeal, there may be further exercise undertaken by the concerned municipalities, and in that event the pending appeal may be rendered infructuous.

It is also contended that the facts presented and pressed have not been considered by the Court below in appeal, while rejecting the prayer for stay.

Mr. Mrinal Kanti Das, learned advocate appearing for the opposite party no. 1 is present.

Supporting the order impugned, learned

advocate for the opposite party submits that there lies nothing to be interfered with in this revisional application.

Having considered the submission of both sides, it appears that the appeal is pending before the appellate Court below, wherein the order issuing demolition, dated 4th October, 2021 is under challenge.

As there is a chance of execution of order issuing demolition, in the absence of any interim protection, pending decision of the appeal, so some protection is felt necessary pending decision of this appeal.

Let the order permitting demolition, dated 4th October, 2021, issued by the Chairperson, Board of Administrators, North Barrackpore Municipality be stayed till decision of the pending appeal.

Since alleged illegal construction is the subject of challenge in the pending appeal, such appeal needs to be disposed of expeditiously.

The pending appeal as such be disposed of expeditiously, preferably within four months from the date of communication of this order.

Petitioner is directed to make communication of this order to the opposite parties other than opposite party no. 1/Municipality.

With this observation and direction, the

revisional application stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)