

24.06.2022
Item No.18
Court No.6.
AB

M.A.T. 860 of 2022
With
I A CAN 1 of 2022

Bappa Pramanik
Vs
Bidhannagar Municipal Corporation & Others

Mr. Partha Chakraborty,
Ms. Sharmistha China,
Ms. Sangita Das Jana ...for the Appellant.

Mr. Sirsanya Bandyopadhyay,
Mr. Arka Kumar Nag,
Mr. Tirthankar Dey,
Mr. Souvik Roy ...for the Corporation.

Mr. Mainak Bose,
Mr. Supratik Roy,
Mr. Prabhat Kr. Shrivastav,
Ms. Sneha Dutta ...for the Writ Petitioners.

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

This appeal is directed against an interim order dated May 20, 2022. The writ petitioners had challenged a notice dated May 2, 2022, issued by the Bidhannagar Municipal Corporation. According to the writ petitioners, this was a notice requiring them to vacate the premises in question, which, according to the present appellant, is an unauthorized structure.

The learned Judge by the order impugned stayed the operation of the impugned notice for a period of

eight weeks and directed exchange of affidavits. The learned Judge directed the matter to be listed on June 24, 2022 (today) after exchange of affidavits.

The appellant says that clearly, the impugned construction is unauthorized. The notice impugned was in aid of demolition of the said structure. He is aggrieved by the stay order.

We are not inclined to interfere solely on the ground that the impugned order is an interim order. The writ petition was directed to be listed by the learned Single Judge on June 24, 2022 and it has been so listed.

We are of the view that the parties should exchange affidavits before the learned Single Judge and have the matter decided on merits by the Learned Judge.

Time for the respondents in the writ petition to file affidavit-in-opposition is extended till July 1, 2022. Reply, if any, be filed by July 8, 2022. The parties may pray for early hearing of the writ petition to the extent the business of the Court of the learned Judge may permit. We have not gone into the merits of the case at all.

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

MAT No.860 of 2022 stands disposed of along with IA CAN 1 of 2022.

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

(Rai Chattopadhyay, J.)

(Arijit Banerjee, J.)