

14.01.2022
Item No.30
srm

W.P.A. No. 11508 of 2019

Joydip Paul & Anr.

Vs.

Madhyamgram Municipality & Ors.

Mr. Sanjay Saha

...for the Petitioners.

Mr. M. Goswami,

Mr. P. Goswami

...for the Respondent Nos.1-6, 8.

The order impugned before this Court is an order of demolition, which is an appealable order.

The petitioners are granted liberty to prefer an appeal in accordance with law. The petitioners are also entitled to pray for stay of the demolition order before the appellate authority.

There shall be an unconditional stay of the order impugned for a period of three months within which time the petitioners may approach the appellate authority for an order of stay. If no order is passed staying the demolition order, within the aforementioned period, the municipality may act and proceed in accordance with law.

Irrespective of the order of demolition and the appeal that may be filed by the petitioners, the application for amalgamation already filed by the petitioners before the municipality shall be taken into consideration and disposed of

in accordance with law upon affording an opportunity of hearing to the petitioners and any other interested parties. Such disposal of the application for amalgamation shall be done within a period of two months from the date of communication of this order. A reasoned order shall be passed and communicated to the parties.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)