

29
15.11.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 14249 of 2021

**Tufan Dutta
-versus
The State of West Bengal & Ors.**

**Mr. Indrajit Bhattacharjee.
...For the Petitioner.**

**Mr. Swarup Kumar Ghosh.
...For the Municipality.**

Affidavit-of-service filed in Court today is taken on record.

None appears on behalf of the private respondents in spite of service.

The petitioner prays for implementation of the order dated 18th September, 2018 passed by the Board of Councillors, Ghatal Municipality directing removal of unauthorized construction.

It appears that the said order was passed allegedly in compliance of the direction passed by this Court on 3rd August, 2018 in W.P. No. 7466 (W) of 2016.

The order passed by the Board of Councillors is an appealable one.

The private respondents have preferred an appeal against the said order before the Learned Civil Judge (Junior Division), Ghatal being Title Suit No. 133 of 2018.

Learned advocate appearing for the petitioner submits that his client is contesting the said Suit.

As it appears that the appeal preferred against the order of demolition which the petitioner seeks implementation is pending consideration, it will be appropriate to direct the petitioner to make proper application before the Court where the appeal is presently pending, for necessary order.

No further relief can be granted to the petitioner in the present writ petition.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)