

21.03.2022
Item No.7
Ct. No.7
CHC

**C.O.1600 of 2021
IA NO: CAN/1/2021
(Physical Hearing)**

Tapasi Seth & ors.

Vs.

**The Chairman/Chairperson, Basirhat Municipality
& ors.**

Mr. Tanmoy Mukherjee,
Mr. Anindya Sundar Das,
Mr. Biswajit Hazra,
Mr. Souvik Das,
Mr. Rudranil Das

...for the petitioners

Mr. Rabindra Kumar Jaiswal

...for the Intervenor
in Virtual Mode

Mr. Dwaipayan Basu Mallick,
Mr. Arkaprava Sen,
Ms. Sudeshna Mazumder

...for the opposite
party nos.1 to 4.

Mr. Jaiswal, learned advocate for the Intervenor appearing in the virtual mode, admittedly has not been arrayed as one of the parties to this revisional application.

Mr. Jaiswal satisfies the Court about his extent of co-morbidity. He is permitted to appear in virtual mode so far present case is concerned.

Mr. Tanmoy Mukherjee, learned advocate appearing for the petitioners advertent to order dated 13th September, 2021, submits that the revisional

application may be disposed of directing interim order granted in this case to continue till the decision of the pending case in the court below.

Mr. Basu Mallick, learned advocate appearing for the opposite party nos.1 to 4 does not dispute with such submission, but incidentally proposes that a direction may be given so that the matter may be disposed of expeditiously as possible, preferably in a time bound manner.

Mr. Jaiswal, appearing for the Intervenor also has no objection to the continuance of the interim order passed in this case.

The subject-matter of challenge in this revisional application is against the order dated 26th August, 2021 passed by learned Civil Judge (Junior Division), 1st Court, Basirhat, North 24 Parganas in MJC 30 of 2021 refusing to pass any interim order.

Mr. Mukherjee submits that the demolition order passed by the appropriate authority was challenged preferring an appeal under Section 218(3) of the West Bengal Municipal Act, 1993, which is registered as MJC No.30 of 2021 of learned Civil Judge (Junior Division), 1st Court, Basirhat.

Upon perusal of the impugned order, it appears that the trial court has recorded the presence of *prima facie* case, but declined to pass any interim order without hearing the other side, and thus disputed with

the urgency of the circumstances, which is essence of the prayer for interim injunction.

When Mr. Basu Mallick appearing for the opposite party nos.1 to 4 and Mr. Jaiswal appearing for the Intervenor have no grievance with regard to the continuation of the order passed by this Court on 13th September, 2021, the Court finds no wrong in the continuance of such order.

The revisional application being C.O.1600 of 2021 stands disposed of, permitting the order dated 13th September, 2021 passed by this Court to continue till the decision is reached by learned Civil Judge (Junior Division), 1st Court, Basirhat, North 24 Parganas in MJC 30 of 2021. The court below is directed to ensure expeditious disposal without granting unnecessary adjournment, unless it is extremely unavoidable. While endeavouring such exercise, the court below must consider that the appeal is against the order of the demolition. Therefore, an expeditious disposal is extremely the needs of the case.

The case, as such preferably may be disposed of within 18 (eighteen) months from the date of communication of this order.

With this direction/observation, the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)