

Sl. No.17
19.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 14124 of 2022

Md. Rafik Molla
Versus
Maheshtala Municipality & Ors.

Mr. Hare Ram Singh
... for the petitioner

Mr. Md. Shamim Halder
... for the respondent no.5

Mr. Raghunath Chakraborty
... for the Maheshtala Municipality

The petitioner being aggrieved with the order of demolition dated 28th September, 2021 preferred an appeal before the learned Civil Judge, Junior Division, Alipore being Title Suit No.5097 of 2021 and has failed to obtain an order of stay of the demolition proceeding.

The Maheshtala Municipality fixed date of demolition on 5th July, 2022 onwards.

The petitioner has filed the present writ petition for staying the demolition proceeding. The petitioner submits that no notice was given to him prior to passing the order of demolition.

Learned advocate representing the private respondent submits that the petitioner was a party in the earlier writ petition.

Be that as it may, as it appears that being aggrieved by the order of demolition an appeal has been preferred by the petitioner wherein he failed to obtain any order of stay, accordingly, the Municipality shall proceed with the demolition of the unauthorised construction as per the schedule fixed by the Municipality.

There is no need for interference in the present writ petition.

The Officer-in-Charge, Maheshtala Police Station shall render all necessary assistance to the Maheshtala Municipality at the time of conducting the demolition proceeding.

The writ petition stands dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)