

16.03.2022
Sl. No. 11
ss

W.P.A. 15466 of 2019

Shyama Prasad Ghosal
Vs.
The State of West Bengal & ors.

Mr. Partha Sarathi Bhattacharya
Mr. Somak Lahiri
Ms. Sanjana chakraborty
... for the petitioner

Mr. N. C. Bihani
Mr. Soumyajit Ghosh
... for the Municipality

Mr. Susanta Pal
Mr. Ananda Dulal Sarkar
... for the State

Mr. Arindam Chandra
... for the respondent no.8

Although Mr. Partha Sarathi Bhattacharya has been engaged to argue this matter, this Court is of the opinion that Mr. Somak Lahiri should move this Court. This Court appreciates Mr. Lahiri's attempt.

It is submitted by Mr. Lahiri that despite an order of demolition passed by the South Dum Dum Municipality, directing the landlord to demolish the mobile tower of M/s. Indus Tower Limited, the said order of the municipality has not been complied with. Mr. Lahiri seeks implementation of the order of demolition.

Mr. Lahiri further submits that the property is jointly owned by Mr. Lahiri's client, that is, the

petitioner and the other co-sharers. The petitioner's consent was not taken before the other co-owners entered into an agreement with the respondent no.8, for installation of the mobile tower.

Mr. Chandra, learned Advocate appearing on behalf of the respondent no.8 submits that challenging the order passed by the South Dum Dum Municipality, a Municipal Appeal has been filed bearing no.1 of 2022 before the learned Civil Judge, Junior Division, Bidhannagar and the learned Civil Judge has passed an order of stay of the order of demolition vide order dated March 7, 2022.

Thus, under such circumstances, in view of the order passed by the learned Appellate Forum, no order can be passed in this writ petition.

This writ petition is, accordingly, disposed of.

The points agitated before this Court are not decided on merits and the petitioner shall be at liberty to reagitate such points before the appropriate stage.

With regard to the private dispute between the co-sharers, the petitioner is at liberty to approach the appropriate forum.

All parties are to act on website copy of this order.

(Shampa Sarkar, J.)