

Item No. 22

07.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 15491 of 2021

Smt. Shila Karmakar
v.
State of West Bengal & Ors.

Mr. Syamal Kumar Das
Mr. Smita Pal
... for the petitioner.

Mr. Amitava Ghosh
... for the private respondents.

Mr. Gautam Lahiri
... for the respondent nos. 2 to 4.

Mr. Naba Kumar Das
Mr. Subhabrata Das
... for the State.

The petitioner has prayed for implementation of the reasoned order dated April 1, 2021 passed by the Board of Administrators, Serampore Municipality directing demolition of the unauthorized construction made by the private respondents.

Learned advocate representing the private respondents submits that a statutory appeal was filed by the private respondents in the Court of the learned Civil Judge (Junior Division), 2nd Court, Serampore, Hooghly being Misc. Appeal No. 02 of 2021.

On May 21, 2021 the learned Court below was pleased to pass an interim order of stay of further

operation of the impugned reasoned order dated April 1, 2021.

Learned advocate appearing for the private respondents submits that the interim order has been extended from time to time and the same is still subsisting.

A copy of the plaint which has been filed before the learned Court below has been produced before this Court. It appears therefrom that the petitioner being the complainant at whose instance the order of demolition was passed, has not been impleaded as party before the learned Court below.

Learned advocate appearing on behalf of the parties are directed to take necessary steps for adding the complainant as party respondent in the said proceeding for effective adjudication of the pending lis.

The writ petition stands disposed of.

Report filed by the respondent no. 5 is taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)