

23.11.2022

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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 17383 of 2019

Apurba Kumar Pal
Vs.
State of West Bengal & Ors.

Md. Ashraf Ali
Ms. Sabnam Laskar
... for the petitioner

Mr. Dipak Kumar Mukherjee
Mr. Rajib Mukherjee
Mr. Shreyasi Bhaduri
... for the Municipality

Mr. Sourav Sen
Mr. Sayantan Rakshit
... for the respondent no.4

Affidavit of service filed in Court today be taken on record.

The order of demolition passed by Uttapara-Kotrung Municipality on 14th January, 2019 is yet to be implemented.

Learned Advocate representing the private respondent suffering the order of demolition submits that an appeal has been preferred against the said order and the same is pending consideration in the Court of the learned Civil Judge (Junior Division), Srerampore being Misc. Appeal No.6 of 2019.

Copy of the plaint has been handed over in Court.

It appears therefrom that the petitioner is not a party in the said appeal.

It has been submitted that no order has been passed by the learned Court below as yet.

As the order seeking implementation is an appealable one and the appeal is pending consideration, the parties will be at liberty to take steps pursuant to the order passed in the pending appeal.

It will be open for the petitioner to take appropriate steps in the pending appeal before the learned Court below, if so advised.

No further order is required to be passed in the present writ petition.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)