

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 21391 of 2021

**Nemai Chandra Panja
-versus
The Durgapur Municipal Corporation & Ors.**

**Mr. Gopal Chandra Ghosh.
...For the Petitioner.**

**Mr. Sandipan Banerjee,
Mr. Sobhan Majumder.
...For the Durgapur
Municipal Corporation.**

**Mr. Atanu Biswas.
...For the Respondent
Nos. 3 to 5.**

The petitioner is aggrieved by the reasoned order dated 18th February, 2021 passed by the Commissioner of Durgapur Municipal Corporation allegedly in compliance of the direction passed by this Court on 17th December, 2020 in WPA 13256 of 2019.

The order is an appealable one.

Learned advocate appearing for the Durgapur Municipal Corporation submits that in view of the provision for appeal, the writ petition will not be maintainable before this Court.

It appears from the impugned order that the Durgapur Municipal Corporation directed demolition of the boundary wall above 2 ft. from the ground level.

According to the petitioner, the order passed by the Commissioner was not in line with the direction passed by the Hon'ble Court.

As it appears that the order is an appealable one, accordingly, it will be open for the petitioner to approach the appellate forum in accordance with law, if so advised.

It will be open for the petitioner to apply for condoning the period of limitation in preferring appeal before the appellate forum. The appellate authority shall consider the prayer of the petitioner for condoning the delay in preferring the appeal in accordance with law.

No relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)