

Item No.26

25.11.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 22728 of 2022
Tarak Adhikary & Anr.
-vs.-
The State of West Bengal & Ors.

Mr. Dibashis Basu
Mr. Arun Bandopadhyay
... for the petitioners.

Mr. Saptangsu Basu
Ms. Suman Agarwal
... for the private respondent no. 8.

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

Mr. Rajarshi Basu
Mr. Shehnaz Tareq Mina
... for the State.

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

The order of demolition passed by Uttapara-Kotrung Municipality on February 15, 2022 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 2022.

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.

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(Amrita Sinha, J.)