

18.10.2022
Item No.9
Ct. No.17
AKG/S.A.

WPA 23227 of 2022

Sk. Khairul Ali
-vs-
State of West Bengal & Ors.

Mr. Debasis Kar,
Mr. Hussien Mustafi,
Mr. Arka Tilak Bhadra

...for the petitioner

Mr. Jahar Dutta,
Mr. Avijit Sarkar,
Mr. Arun Kr. Saha

...for the State

An order of demolition dated August 30, 2022 passed by the respondent no. 2 is impugned in this writ petition.

Under Section 218 of the West Bengal Municipal Act, 1993, the appropriate forum to challenge the said order of demolition is the Civil Court having jurisdiction. The order of demolition was issued from the office of the respondent no. 2 on September 20, 2022 and was received by the petitioner on September 30, 2022.

Learned counsel appearing for the petitioner submits that the appellate forum being the jurisdictional Civil Court is not available during the Puja Vacation. Accordingly, he prays for this writ to be entertained by this Court.

Mr. Jahar Dutta, learned counsel is appearing for the State. None appears for the relevant Municipal Corporation.

After considering the submissions and on perusal of materials on records, it appears to this Court that a statutory appellate forum is available under Section 218 of the said Act, 1993.

This Court in exercise of its high prerogative writ jurisdiction is not inclined to usurp such jurisdiction specified under the statute.

Accordingly, the petitioner shall be at liberty to file the statutory appeal before the jurisdictional forum, if the petitioner has any right to do so, strictly in accordance with law.

On the above terms, this writ petition being **WPA 23227 of 2022** stands disposed of, without any order as to costs.

(Aniruddha Roy, J.)