

Item No.43

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

13.06.2023
Ct-24

WPA 707 of 2023
Raju Bhandari
v.
The State of West Bengal & Ors.

Mr. Sidhartha Sankar Mondal
Mr. Tirtha Pati Acharyya
... for the petitioner.

Ms. Sangeeta Roy
... for the State.

Mr. Raghunath Chakraborty
Mr. Suman Banerjee
... for the respondent no. 10.

Mr. Suman Basu
... for CMC.

The petitioner prays for implementation of the order of demolition dated September 22, 2022 passed by the Commissioner, Chandernagore Municipal Corporation.

Learned advocate representing the private respondent no. 10 submits, upon instruction that, an appeal against the said order was preferred before the Mayor of the Corporation.

Learned advocate representing the Chandernagore Municipal Corporation submits that the Mayor is not the appellate authority and accordingly any appeal preferred before the Mayor is non est in the eye of law.

It appears from the submissions made on behalf of all the parties that as on date there is no order passed by any competent forum setting aside/staying/modifying the order of demolition passed by the Chandernagore Municipal Corporation way back on September 22, 2022. The Chandernagore Municipal Corporation is duty bound to implement the said order.

In view of the above, the instant writ petition is disposed of by directing the Chandernagore Municipal Corporation to take steps for implementing the direction passed in the order dated September 22, 2022 in accordance with law, at the earliest but positively within a period of four months from the date of communication of a copy of this order provided the same is not set aside/vacated/varied or modified by a Court of competent jurisdiction.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)