

Item No.239

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

18.09.2023
Ct-24
A.G.M.

WPA 1833 of 2023
Purnima Roy
v.
The State of West Bengal & Ors.

Mr. Sarthak Barman
...For the petitioner.

Affidavit-of-service filed today in Court be kept with the record.

The petitioner prays for implementation of the order of demolition passed by the Krishnanagar Municipality.

It has been submitted that a statutory appeal has been filed before the learned Civil Judge (Junior Division), 1st Court, Krishnanagar, Nadia being Misc. Appeal No. 2 of 2022.

According to the petitioner, the person(s) responsible for making construction are deliberately not proceeding with the said appeal and only taking steps for adjourning the same.

The petitioner submits that because of the illegal construction that is standing, the property of the petitioner is getting damaged.

In view of the fact that the statutory appeal is pending consideration before the learned Court below, it

will be open for the petitioner to approach the said appellate forum for necessary relief, if so advised.

No order can be passed at this stage for implementation of the order of demolition which is pending scrutiny before the appellate forum as the same will render the appeal infructuous.

The appellate forum is, however, requested to ensure that the appeal is concluded expeditiously.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)