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Ct 2023
No24
AGM

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

WPA 6987 of 2023

**Jayanta Sarkar & Anr.
Vs
The State of West Bengal & Ors.**

Mr. Surendra Kumar Sharma
... For the Petitioners

Mr. N. C. Bihani
Ms. P. B. Bihani
... for the South Dum Dum Municipality.

Mr. Ananda Dulal Sarkar
... For the State.

The petitioners seek implementation of the order of demolition passed by the South Dum Dum Municipality on 28th February, 2014.

It appears that petitioners were aggrieved by a part of the order passed by South Dum Dum Municipality and challenged the same by way of preferring an appeal before the learned civil forum.

It has been submitted that the said appeal being Municipal Appeal No. 1 of 2014 is pending consideration till date.

The petitioners submit that on account of the pendency of the appeal, the Municipality is not taking any step to implement the demolition order that has been passed.

Further submission of the petitioners is that the private respondents are obstructing their free ingress and egress and has put a padlock in the entry gate which is used as the main gate for entry and exit to the petitioner's premises.

The petitioners pray for necessary direction upon the South Dum Dum Municipality to remove the obstruction so that the petitioners have free entry and

exit to their premises.

The petitioners further pray for implementing the order of demolition.

Upon hearing the petitioners and upon perusal of the materials on record, I am of the opinion that the grievance of the petitioners cannot be redressed by this Court at this stage.

As the order of demolition is under scrutiny before the statutory appellate forum, it will be open for the petitioners to seek remedy before the said forum where the appeal is pending.

As regards the prayer of the petitioners for removing the padlock by the municipality, I am afraid that this Court will not be the proper forum to pass any order on such allegation of the petitioners.

It will open for the petitioners to approach the appropriate forum for remedy of their grievance.

No relief can be granted to the petitioners in this matter.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)