

W.P.A. 4460 of 2016

**Sudev Sarkar
Vs.
Kamarhati Municipality & Ors.**

Mr. Tapan Roy
.....for the petitioner
Mr. Soumyajit Bhatta
.....for the Respondent no. 4

The writ petition is taken up for consideration pursuant to the order dated 23rd November, 2023 in presence of the learned advocates representing the petitioner and the respondent no. 4.

Petitioner has prayed for demolition of alleged unauthorized construction made by the respondent no. 4 in this writ petition since an order of demolition was passed by the Board of Councilors, Kamarhati Municipality on 14th November, 2012.

It has been submitted by the learned advocate representing the respondent no. 4 that against the order of demolition dated 14th November, 2012 a statutory appeal was preferred and an order of injunction was obtained on 26th September, 2013 and subsequently the writ petition has been presented before this Court on 8th March, 2016.

The aforesaid submission made by the learned advocate representing the respondent no. 4 has not been factually denied by the learned advocate representing the petitioner relating to preferring a statutory appeal against

the order of demolition and obtaining order of injunction on 26th September, 2013.

In view of aforesaid scenario the writ petition stands disposed of with a leave to the parties to take steps in accordance with law after disposal of the appeal by the appellate authority which was preferred by the respondent no. 4.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)