

122-23
27.07.2023
sb. Ct.24

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

**WPA 8169 of 2022
With
CAN 1 of 2023**

Shri Shri Iswar Jagadiswar and Shri Shri Iswar
Nakuleswar Shib Thakur & Anr.
versus
The State of West Bengal & Ors.

**With
WPA 14987 of 2023**

Sri Alok Prosad Coomar
Versus
The State of West Bengal & Ors.

Mr. K. M. Hossain
...For the Petitioner
in WPA 8169 of 2022

Mr. Kushal Chatterjee
Mr. Oishik Chatterjee
... For the petitioner in WPA
14987 of 2023

Mr. Rajarshi Basu
... For the State

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumdar
...For Howrah Municipality

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh
... For Bally Municipality.

Mr. Alak Kumar Ghosh
Mr. Sankar Paul
Ms. Tapati Sarkar
... For the respondent no.10 in
WPA 14987 of 2023.

Submission has been made on behalf of the parties that in compliance of the direction passed by the Court, an opportunity of hearing was given by the Bally Municipality to all concerned and an order of demolition was passed on 13th July, 2023.

The said order of demolition has been challenged before the appropriate forum in a statutory appeal, being Other Appeal No. 05 of 2023 (Alok Prasad Coomar vs. Administrator, Bally Municipality), and the same is pending before the learned Civil Judge (Junior Division), 1st Court at Howrah.

The learned Court below was pleased to pass an order on 25th July, 2023 staying the demolition order till 23rd August, 2023 when the matter has been made returnable.

In view of the above facts, there is no scope and/or requirement to proceed with the writ petitions any further.

It will be open for the parties to take necessary step before the appellate forum, if so advised.

The writ petitions stand disposed of along with the connected application.

The copy of the order of demolition dated 13th July, 2023 and the communication of the learned advocate of the Court below be retained with the records.

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

(Amrita Sinha, J.)