

28.08.2023
Item No. 15
Court No.6.
S. De

M.A.T. 490 of 2017

Razzak Mondal.
Vs
Amanul Islam & Ors.

Mr. Debasis Banerjee,
Mr. Rakesh Jana,
...for the appellant.

This appeal is directed against an order dated November 15, 2016, whereby, the writ petition of the respondent no.1 herein being WP 23862(W) of 2016 was disposed of by a learned Single Judge.

The writ petitioner approached the learned Single Judge with a prayer for enforcement of a demolition order dated August 16, 2010 issued by the Municipal Councillors of Baduria , North 24-Parganas, in respect of alleged illegal construction raised by the respondent no.5 in the writ petition who is the present appellant. The learned Judge found that the respondent no.5 in the writ petition had no defence to such prayer of the writ petitioner. The learned Judge disposed of the writ petition by directing the Municipal Councillors of Baduria to implement the demolition order. Hence, this appeal was filed.

Learned advocate for the appellant says that during pendency of this appeal, the impugned construction has been completely demolished by the

Municipal authorities. Hence, nothing remains in the appeal. However, if the appellant applies for fresh sanction of a building plan, the order impugned in this appeal should not stand in the way of the Municipal authorities considering such application in accordance with law.

We, accordingly, dispose of the appeal without interfering with the order impugned but with the clarification that if the appellant makes a fresh application for sanction of building plan, the same shall be disposed of by the Municipal authorities in accordance with law.

MAT 490 of 2017 is disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)