

**W.P.A.12835 of 2023**

**Dr. Papri Roy**  
**Vs.**  
**State of West Bengal & ors.**

Mr. Shibaji Kumar Das,  
Ms. Deblina Lahiri,  
Ms. Suranjana Bhattacharya  
...petitioner

Mr. Rabindra Narayan Dutta,  
Mr. Milon Kr. Maity  
...for the State

Mr. Saudip Ghosh,  
Mr. Sudarsan Roy,  
Mr. Debayan Ghosh,  
Mr. Romit Bose,  
...for North Dum Dum  
Municipality

The petitioner is a septuagenarian lady and was a Medical Officer by profession. Indisputably, she raised second floor of her building within North Dum Dum Municipality without sanctioned plan.

It is contended on behalf of the petitioner that she never received the copy of refusal order of her sanctioned plan from the Municipality. After waiting for a considerable period, she had the reasonable belief that the said plan was sanctioned in accordance with Section 208 of the West Bengal Municipal Act. Subsequently, she received demolition notice and came to know that her plan was not sanctioned. It is

needless to say that the demolition notice was issued under Section 218 of the West Bengal Municipal Act.

The said order is appealable before the learned Civil Judge (Junior Division).

Since, there is an efficacious relief provided in the statute this Court gives liberty to the petitioner to file an appeal before the competent Civil Court within 15<sup>th</sup> June, 2023.

Learned advocate on behalf of the North Dum Dum Municipality undertakes that the Municipality will not take any action regarding demolition till 20<sup>th</sup> June, 2023.

In that event, the petitioner is at liberty to pray for necessary order from the appellate forum after serving notice to the Chairman, Board of Councillors of North Dum Dum Municipality.

With the above order the instant writ petition is disposed of.

It is clearly recorded that this Court has not gone into the merits of the writ petition.

**(Bibek Chaudhuri, J.)**