

Item No.10

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

10.02.2023
Ct-24

WPA 25252 of 2022
Sri Suman Chakraborty
v.
The State of West Bengal & Ors.

Mr. Kallol Basu
Mr. R. Chattopadhyay
... for the petitioner.

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
Ms. Poulami Chakraborty
... for the private respondent.

Mr. Sankar Halder
... for the respondent no. 4.

An order of demolition was passed by the Krishnagar Municipality under Section 218 of the West Bengal Municipal Act, 1993.

The private respondent being aggrieved by the said order of demolition preferred an appeal before the learned Civil Judge (Junior Division), 1st Court, Krishnagar.

In the said appeal the petitioner being the complainant in response to whose complaint the demolition proceeding was initiated has not been impleaded as party.

The petitioner filed the present writ petition seeking implementation of the order of demolition.

It has been submitted by the learned advocate representing the private respondent that the learned Court below had been pleased to pass an order of stay of the demolition order.

The petitioner submits that as he is not a party in the learned Court below, accordingly, he is not aware of the said proceeding.

Since the demolition order passed by the Municipality has reportedly been stayed by the appellate forum, there is no scope for passing any order for implementation of the same at this stage.

It will be open for the petitioner to approach the appellate forum for necessary relief, if so advised.

The writ petition stands disposed of.

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

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(Amrita Sinha, J.)