

Item No. 25

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

18.01.2023  
Ct-24

WPA 26566 of 2022  
Tamal Dutta

v.

The State of West Bengal & Ors.

Mr. Debjit Mukherjee  
Mr. Dipanwita Ganguly  
... for the petitioner.

Mr. Ziaul Islam  
Mr. Atarul Hoque Molla  
... for the State.

Mr. Siddhartha Banerjee  
... for the Municipality.

Mr. J.K. Mondal  
Mr. Sayantan Rakshit  
... for the private respondent nos. 11 & 12.

The petitioner prays for implementation of the order of demolition dated November 4, 2022 passed by the Uttarpara Kotrung Municipality directing the private respondents to demolish the unauthorized portion of the construction at 232/B, Saradapally, P.O.-Makhla under Ward No. 22 of the Uttarpara Kotrung Municipality.

Learned advocate representing the private respondent nos. 11 and 12 submits that a statutory appeal challenging the order of demolition being Misc. Appeal No. 04 of 2022 has been filed in the Court of the learned Civil Judge (Junior Division) at Serampore and the same is pending consideration.

A copy of the plaint has been produced before this Court. It appears therefrom that the petitioner i.e. the complainant has not been impleaded as party in the said proceeding.

The Court has not been made aware of any order staying operation of the order of demolition.

As it appears that a statutory appeal is pending consideration, it will be open for the parties to approach the appellate forum for necessary orders.

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.)**