

12.04.2023
Item No. 32
Court No. 24
AGM

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

WPA 28910 of 2022

**Somnath Singha Roy
Vs
State of West Bengal & Ors.**

**Ms. Sima Ahdikari
Ms. Kakali Naskar
... For the State.**

**Mr. Sujoy Bandopadhyay
... for the Midnapore Municipality.**

The instant writ petition has been filed challenging the show cause notice issued by the Executive Officer, Midnapore Municipality on 19th December, 2022 directing the petitioner to show cause as to why the illegal construction shall not be demolished according to Section 218 of the West Bengal Municipal Act, 1993 and the West Bengal Municipal (Building) Rules, 2007.

None appears on behalf of the petitioner at the time of call.

Learned advocate representing the Midnapore Municipality submits, upon instruction that, after the show cause notice was issued an order under Section 218 was passed by the Municipality. The petitioner being aggrieved by the order of demolition, preferred an appeal before the Civil Judge (Junior Division), 2nd Court, Paschim Midnapore being J. Misc. 74 of 2023 (R) and an order was passed by the learned Court below on 22nd March, 2023 by staying the order of demolition passed by the Midnapore Municipality.

The parties have been directed to maintain status quo with regard to the suit property until further orders.

As it appears that final order under Section 218 of the Act has been passed by the Municipality, accordingly, the present writ petition challenging the show cause notice becomes infructuous.

The writ petition stands dismissed.

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

(Amrita Sinha, J.)