

12th June,
2024
(AK/PM)
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MAT 306 of 2024
IA No: CAN 1 of 2024
CAN 2 of 2024

The Tirupati Developer and others
Vs.
Ashok Paul and others

Mr. Rafikul Islam Sardar
...for the appellants.

Ms. Mousumi Bhowal
Mr. Aman Gupta
Mr. Ishan Bhattacharya
...for the Dum Dum Municipality.

Re: CAN 1 of 2024

1. Heard the learned Advocates for the parties.
2. Having considered the averments in the application for condonation of delay and being satisfied, delay in preferring the appeal is condoned.
3. Accordingly, the application being CAN 1 of 2024 is disposed of.

Re: MAT 306 of 2024
CAN 2 of 2024

4. Appellants have assailed order dated 18.04.2023 whereby the respondent no.3 being the Board of Councillors, Dum Dum Municipality was directed to consider the representation of the private

respondents with regard to demolition of unauthorized construction made in the property.

5. Municipality authorities are under an obligation to implement demolition order in accordance with law unless the order is suspended by the appellant authority.
6. Order impugned which merely reiterates this statutory duty is an innocuous one and the Board of Councillors was only directed to consider the representation of the respondent/writ petitioner.
7. We find no reason to interfere with the order impugned.
8. Accordingly, the appeal and the connected application are disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)