

10.06.2024

Ct No.6

as

MAT 871 of 2024

with

CAN 1 of 2024

**Chandan Biswas & Ors.**

**Vs.**

**Giitika Pal & Ors.**

Mr. Bikash Ranjan Bhattacharjee, ld. Sr. Adv.,  
Mr. Anindya Bose,  
Mr. Santanu Maji.

....for Appellants.

Mr. Achintya Kr. Banerjee,  
Ms. Indumouli Banerjee.

...for the Respondent Municipality.

Mr. Indranil Roy,  
Mr. Tapas Kr. Mandal.

...for the State.

Mr. Nirmalendu Bera,  
Ms. Tanim Nandy,  
Ms. Sunanda Samanta.

...for the Respondent No.11.

1. Appellants contend they have preferred a statutory appeal under Section 218(3) of the West Bengal Municipality Act against the impugned order of demolition. It is contended that the order passed by the learned Single Judge directing demolition order if implemented would render the appeal infructuous.

2. Learned Advocate for the writ petitioner/respondent as well as the Municipality submit the appeal may be directed to be disposed of within a time frame.

3. We have considered the submissions of the parties. Appellants have instituted a statutory appeal against the demolition order. Execution of the demolition order pending appeal would render the appellants' remedy infructuous.

4. Balancing their right to appeal against a plea for prompt implementation of demolition order, if the appeal is found without merit, we direct the appellate authority i.e. 1<sup>st</sup> Civil Judge, Junior Division at Ranaghat, Nadia to dispose of the appeal as expeditiously as possible but not later than three months from the date of communication of this order.

5. In the event the court is vacant, the Judge-in-charge shall pass necessary orders.

6. Parties shall co-operate with the appellate authority and shall not be permitted unnecessary adjournment.

7. We make it clear we have not expressed any opinion with regard to the merits of the appeal which is kept open to be decided independently and in accordance with law.

8. With these directions, the appeal and application are disposed of.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**