

ML- 08.02.2024
119 Ct.15
rkd

W.P.A. 11767 of 2019

Smt. Saraswati Dey & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh

....for the petitioners.

In the writ petition petitioner, *inter alia*, has challenged the order of demolition dated 25th June, 2019 passed by the Chairman, Hooghly Chinsurah Municipality.

It has been submitted by Mr. Ghosh, learned advocate representing the petitioner that vide order dated 21st January, 2019 it was decided by the Chairman of the Municipality that due to pendency of Title Suit invocation of Section 218 of the West Bengal Municipal Act, 1993 is not possible but subsequently on invoking Section 218 order of demolition was passed on 25th June, 2019.

Today no one appears for the respondents.

Having considered the submission made on behalf of the petitioner and on perusal of the materials available on record, it appears that the demolition order dated 25th June, 2019 is an appealable order under Section 218(3) of the West Bengal Municipal Act, 1993.

In view of availability of alternative

efficacious speedy remedy, this Court grants leave to the petitioner to prefer appeal against order dated 25th June, 2019 within fortnight from date.

If appeal is preferred against order dated 25th June, 2019 within the aforesaid period the Appellate Authority shall decide the appeal expeditiously but not later than six months from the date of institution of the appeal. While deciding the appeal delay in filing the same shall not be relevant consideration since writ petition was filed by the petitioner just after the order of demolition.

However, it is made clear that this Court has not gone into the merit of the issue and all points are left open to be decided by the Appellate Authority.

With the aforesaid direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)