

10.07.2024
Sl.89.
Suman
Ct.No.15

WPA 16753 of 2024

Susanta Roy
Vs.
The State of West Bengal and Ors.

Mr. Biswarup Bhattacharya
Mr. Debattam Das
Mr. Tirupati Mukherjee
..for the petitioner

Mr. Tarak Nath Halder
Mr. Sagnik Chatterjee
..for respondent no.6

Mr. Dipak Kumar Mukherjee
Mr. Rajib Mukherjee
Ms. Shreyasi Bhaduri
..for Uttarpara Kotrung Municipality

By filing this writ petition, the petitioner seeks to restrain Uttarpara Kotrung Municipality from proceeding with a demolition order dated September 24, 2022.

It appears that said order of demolition was passed in compliance with an order dated June 9, 2022 passed by a Co-ordinate Bench in W.P.A. 5682 of 2022 (Aranibhas Gupta –versus- State of West Bengal & Ors.).

I am not inclined to pass any order in this writ petition since the petitioner has already preferred an appeal against the order of demolition before the Appellate Authority under Section 218(3) of the West Bengal Municipal Act, 1993.

It is also apparent that in a contempt proceeding, the Co-ordinate Bench has observed, inter alia, as follows:-

“The stand of the Municipality cannot be appreciated at all. Despite noticing that there are illegalities, the Municipality is simply sitting tight. The Municipality ought to take steps to remove the illegalities as reflected in the report.”

Any order restraining the Municipality from proceeding with the demolition order, in fact, will interfere with the order passed in contempt jurisdiction.

In view of the aforesaid facts, **WPA 16753 of 2024** is dismissed.

However, dismissal of the writ petition shall not prevent the petitioner from filing an appropriate application in the pending appeal before the Appellate Authority under Section 218(3) of the West Bengal Municipal Act, 1993.

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

(Kausik Chanda, J.)