

06.11.2024  
Sl. No.26  
Ct. No.15  
S.A.

**WPA 17058 of 2024**

**Swapan Kumar Mondal**

**-vs-**

**The State of West Bengal & Ors.**

Mr. Dipnarayan Chakraborty

...for the petitioner

Mr. Mohan Kumar Sanyal

Mr. Debasish Bhattacharya

...for the State

Mr. Alak Kumar Ghosh

Mr. Arijit Dey

...for respondent no.6

The petitioner seeks implementation of a demolition notice passed by the Chairman, North Barrackpore Municipality dated December 11, 2019.

An order of demolition was passed on July 15, 2019, in respect of an alleged unauthorised construction at premises no.210, Ramkrishna Samity Lane, Ward No.15, Ichapur, District-24 Parganas (North).

It appears that respondent no.6 has already preferred a statutory appeal in terms of Section 218(3) of West Bengal Municipal Act, 1993, which has been registered as Misc. Appeal No.2 of 2019 before the learned Civil Judge (Junior Division), 2<sup>nd</sup> Court, Barrackpore, District-24 Parganas (North).

Learned advocate appearing for the petitioner, however, suggests that the hearing of the appeal has

been deliberately delayed by respondent no.6 to render the order of demolition infructuous.

I am of the view that respondent no.6 should be allowed to exhaust the remedy of statutory appeal.

In that view of the matter, this writ petition is disposed of with a direction upon the learned Civil Judge (Junior Division), Barrackpore to dispose of the Misc. Appeal as early as possible preferably within a period of six months from date without granting any unnecessary adjournment to the parties.

Needless to mention that depending on the outcome of the Misc. Appeal, the Municipality shall take necessary steps immediately.

Accordingly, **WPA 17058 of 2024** is disposed of.

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

**(Kausik Chanda, J.)**