

25.09.2024
ct. 6/SI. No.28
tkm

MAT 1404 of 2024
CAN 1 of 2024
CAN 2 of 2024
Prasanta Kumar Bajaj & Ors.
Vs
Subrata Dutta & Ors.

Mr. Sabyasachi Mukherjee
Ms. P Dey
Mr. Mukesh Khanna
Mr. Kiran Mallick

....for the appellants

Ms. Amalesh Roy
Ms. Mousumi Bhowal
Mr. A Gupta
Mr. Ishan Bhattacharya

....for the municipality

Mr. D K Maity
Mr. P K Das

....for respondent nos. 1 & 2

1. Having considered the averments made in the application for condonation of delay, delay in preferring the appeal, is condoned.

2. CAN 1 of 2024 is allowed.

3. By order dated 30.9.2022 the Hon'ble Single Judge directed respondent no. 3 to consider the representation and take necessary steps with regard to unauthorized construction alleged in the writ petition.

4. By the impugned order no legal right was finally decided and the matter was remitted to respondent no. 3 to take appropriate decision. We are informed pursuant to the said order hearing was conducted and demolition order has already been passed. Hence, nothing survives in the appeal.

5. It is open to the appellant as well as the respondent no. 1 to take necessary steps with regard to such decision in accordance with law, if so advised.

6. With the above directions, appeal is disposed of.

(Gaurang Kanth J.)

(Joymalya Bagchi, J.)