

Sl. No.91
03.12.2024
Suman
Ct. 15

WPA 19193 of 2024
With
CAN 1 of 2024

Sucharita Roy and Ors.
Vs.
The State of West Bengal & Ors.

Mr. Soumyajit Bhatta
..for the petitioners

Mr. Ayan Chandra Roy
Mr. Srinath Singha Roy
..for the State

The petitioners before this Court are some of the flat owners of a residential building located at 31, Subhas Nagar, P.S. Baranagar, Kolkata-700 091, Ward No. 19, under Baranagar Municipality. They challenge a demolition order dated November 17, 2015, issued by Baranagar Municipality in respect of the aforementioned building.

The learned advocate representing the petitioners has drawn the attention of this Court to the supplementary affidavit filed by the petitioners. It appears that other flat owners have already preferred Miscellaneous Appeal No.07 of 2024 before the learned Civil Judge (Junior Division) at Bidhannagar against the demolition order. It is submitted that an application for

condonation of delay in preferring the appeal is also pending.

In my view, there should not be two parallel proceedings concerning the same demolition order to avoid conflicting orders.

I, however, grant liberty upon the petitioners to prefer an appeal against the demolition order dated November 17, 2015, before the statutory appellate authority along with an application for condonation of delay in preferring the appeal within a period of 30 days from date.

If any such appeal and application is filed, the appellate authority shall dispose of the same in accordance with law.

For the ends of justice, I further direct that there shall be unconditional stay of the demolition order dated November 17, 2015, for a period of 30 days from date. If the appeal and application for condonation of delay are filed within the stipulated period in terms of this order then the interim order shall continue till disposal of the application for condonation of delay.

Should the appellate authority dismiss the application for condonation of delay, the interim order granted by this Court shall immediately cease to remain in effect. In the event that the application for

condonation of delay is allowed, the continuation of this interim order will be at the discretion of the appellate authority.

Accordingly, **WPA 19193 of 2024** along with **CAN 1 of 2024** is disposed of.

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.)