

DL-16
19.11.2024
Court No.26
(AD)
(Dismissed)

MAT 1581 of 2024
With
IA No.: CAN 1 of 2024
Sri Buddhadeb Das
Vs.
The State of West Bengal & Ors.

Mr. Prantick Ghosh, Advocate
Mr. Prasad Bhattacharyya, Advocate
... for the appellant

Ms. Priya Ghosal, Advocate
Mr. Soumyadeep Das, Advocate
... for the private respondents.

1. Appellant is aggrieved by the order dated July 9, 2024 passed in WPA 8554 of 2024.
2. Learned Advocate appearing for the appellant submits that, an order of demolition was passed by the Chairman, Panihati Municipality on February 23, 2024 in respect of a building belonging to the appellant. He submits that, appellant approached the High Court earlier by way of WPA 21078 of 2023 which was disposed of by an order dated November 20, 2023 directing the Board of Councillors of the Panihati Municipality to deal with the unauthorized construction in accordance with law. He submits that, no hearing was afforded to the appellant prior to the passing of the order dated February 23, 2024.
3. Private respondents are represented.

4. It appears from the materials available on record, appellant as the writ petitioner approached the Writ Court complaining of unauthorized construction by the private respondents herein. Appellant filed WPA 21078 of 2023 which was disposed of by an order dated November 20, 2023 passed by the learned Single Judge requiring the Municipality to conduct spot inspection upon prior notice to all the necessary parties and to decide the issue of unauthorized construction in accordance with law.
5. Subsequent thereto, Chairman, Panihati Municipality issued a letter dated February 23, 2024 informing the appellant before us that, since none of the private parties produced any sanctioned building plan, the Municipality held that, the appellant and the private respondents made their respective constructions without approval from the Panihati Municipality.
6. The decision dated February 23, 2024 of the Panihati Municipality was challenged in the writ petition by the appellant. Such writ petition was disposed of by the impugned order dated July 9, 2024.
7. By the impugned order, learned Single Judge found that, the order dated February 23, 2024 was appealable under Section 218(3) of the West Bengal Municipal Act, 1993.

8. No doubt, the order dated February 23, 2024 is appealable under the West Bengal Municipal Act, 1993. Statutory alternative remedy is available to the appeal. Nothing is placed on record to establish that such remedy is infructuous or ineffective or inadequate.
9. We find no merit in the present appeal.
10. All issues raised by the private parties are kept open to be decided in an appeal that may be preferred against such order.
11. **MAT 1581 of 2024** along with **IA No.: CAN 1 of 2024** are dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)