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10.07.2024
S.D.
Ct. No. 26

**M.A.T. 2014 of 2023
With
CAN 1 of 2023**

**Ranjit Mondal & Anr.
Vs.
The Rajpur Sonarpur Municipality & Ors.**

Mr. Goutam Malik
...For the appellants

Mr. Mir Anuruzzaman (VC)
..For the Municipality

Mr. Krishnendu Bera
...For the Respondent No. 4

Appeal is directed against an order dated
September 25, 2023 passed in W.P.A. 18795 of 2023.

By the impugned order, learned Single Judge
directed the municipality to demolish the unauthorized
construction found to be so by the municipality.

Appellants before us are the owners of the property
at which the illegal construction still remains.

Learned advocate appearing for the municipality submits that the finding of the municipality that there is illegal construction at the premises concerned was not appealed against under the provisions of Section 218 (3) of the West Bengal Municipal Act, 1993 and, therefore, attained finality.

The writ petitioner/private respondent is represented.

We find from the records that initially request for stopping of illegal construction was issued by the municipality. Thereafter, proceeding under Section 218 of the Act of 1993 was undertaken in which reasoned order was passed holding that there was an unauthorized construction at the locale. Appeal under Section 218 (3) of the Act of 1993 was not preferred. Order of the municipality directing demolition of the unauthorized construction therefore attained finality. Thereafter, the writ petitioner/private respondent approached the Writ Court by way of W.P.A. No. 18795 of 2023 for implementation of such order of the municipality. In such writ petition, the impugned order was passed.

In such circumstances, we find no merit in the present appeal.

M.A.T. 2014 of 2023 along with the application being **CAN 1 of 2023** are dismissed without any order as to costs.

(Debangsu Basak, J.)

(Partha Sartha Sen, J.)