

11.02.2025
Item No.2
Ct. No.26
CHC
(dismissed)

MAT 126 of 2025
IA NO: CAN/1/2025
CAN/2/2025

Smt. Lakshmi Mondal & Anr.
Vs.
Sri Kashinath Ghosh & Ors.

Mr. Sanjib Seth, Advocate
...for the appellants

Mr. Aniruddha Mitra, Senior Advocate
Mr. Sobhan Majumder, Advocate
...for the respondent no.1

Mr. Sandipan Banerjee, Advocate
Mr. Ankit Sureka, Advocate
...for the Howrah Municipal Corporation

Mr. Naba Kumar Das, Advocate
Mr. Subhabrata Das, Advocate
...for the State

1. Appeal is at the behest of a person claiming to be an occupier of a premises in respect of which, there subsist an order of demolition passed by the Howrah Municipal Corporation.
2. Learned advocate appearing for the appellants submits that appellants were not made parties in the writ petition in which, the impugned order was passed. He submits that, valuable rights of the appellants stand infringed. Since, the learned Single Judge directed time to vacate the immovable property for the purpose of demolition, he seeks leave to prefer an appeal. He submits that, the order of demolition should be implemented immediately.

3. Writ petitioners, Howrah Municipal Corporation and the State are represented.
4. Learned advocate appearing for the writ petitions submits that, time to vacate the premises was granted by the learned Single Judge for a period of five months from the date of the order. Time to vacate is yet to expire. He submits that, the impugned order should not be modified or set aside.
5. CAN/1/2025 filed at the behest of the appellants is an application seeking leave to appeal from the impugned order.
6. On the basis of the claim that, the appellants are the occupiers of the immovable property in respect of which, the impugned order was passed, we grant leave to the appellants to prefer the appeal against the impugned order.
7. CAN/1/2025 is disposed of accordingly.
8. So far as CAN/2/2025 is concerned, it is at the behest of the appellants seeking stay of the impugned order of the learned Single Judge.
9. By consent of the parties, we take up the appeal for final hearing. Consequently, CAN/2/2025 is also disposed of.
10. In the appeal, the contentions of the rival parties are as noted above.
11. We find from the records that, the immovable property concerned suffered an order of demolition

passed by the Howrah Municipal Corporation. Such order of demolition is dated April 9, 2024.

12. In the writ petition, learned Single Judge directed implementation of the order of demolition dated April 9, 2024. However, on the undertaking given by the writ petitioner to vacate the premises in question within five months from the date of such order, learned Single directed Howrah Municipal Corporation not to execute the demolition order for a period of five months.
13. No material is placed before us to take up a view contrary to the order of demolition dated April 9, 2024 or the direction issued by the learned Single Judge in this regard.
14. Time to vacate the premises on the basis of the undertaking given by the writ petitioner is yet to expire.
15. In such circumstances, we find no merit in the present writ petition.
16. **MAT 126 of 2025** is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)