

D/L- 13
29/04/2025
Ct. No.-6
Aritra

C.O. 1017 of 2025

**Sri Nitai Mahato
Vs.
The Chairman, Santipur Municipality & Ors.**

Mr. Susenjit Banik
Mr. Mrinal Saha
....for the petitioner

Mr. Amit Dash
Mr. Subhra Nag
Ms. Ankana Sarkar
....for the opposite party Nos.4, 5 & 6

Mr. Snehansu Majumder
....for the Santipur Municipality

Affidavit of service filed in Court today is taken on record.

This application under Article 227 of the Constitution of India is at the instance of a person against whom an order of demolition has been passed by the Chairman, Santipur Municipality.

When this matter was taken up on March 20, 2025, this Court granted leave to the petitioner to implead the complainant as an opposite party in this civil revisional application. Pursuant to the order dated March 20, 2025, the petitioner has served copies of the civil revisional application upon the municipality as well as the added opposite party/complainant before the municipality.

The added opposite parties are represented by their learned advocates. The learned advocate appearing for the added opposite party raises an objection by stating that the Misc. appeal is not maintainable as the complainant was not made a party in the miscellaneous appeal.

Heard the learned advocate for the municipality.

After hearing the learned advocates for the respective parties, this Court is of the considered view that the complainant is a necessary party in the miscellaneous appeal. This Court has already directed impleadment of the complainant as an opposite party in the civil revisional application and Mr. Banik, learned advocate for the petitioner submits that an application under Order 1 Rule 10(2) of the Code of Civil Procedure has already been filed and the same is pending before the learned Civil Judge (Jr. Div.), 2nd Court at Ranaghat.

The learned advocate appearing for the added opposite party however disputes such submission of Mr. Banik.

However, since this Court has already observed that the complainant is a necessary party in the miscellaneous appeal, the learned Civil Judge (Jr. Div.), 2nd Court at Ranaghat is directed to add the added opposite parties herein as respondents in the miscellaneous appeal. The learned advocate for the

petitioner is directed to serve a copy of the Misc. Appeal upon the added opposite party herein.

Since the order of demolition is under challenge in the miscellaneous appeal, the learned Civil Judge (Jr. Div.), 2nd Court at Ranaghat is requested to dispose of the miscellaneous appeal as expeditiously as possible but preferably by the end of June, 2025 without granting any unnecessary adjournments to either of the parties.

There shall be an order of stay of operation of the order of demolition till the disposal of the Miscellaneous Appeal No.1 of 2025.

Mr. Banik, learned advocate appearing for the petitioner assures this Court that the copy of the miscellaneous appeal and other relevant documents filed in the miscellaneous appeal will be served upon the learned advocate on record of the added opposite parties by May 1, 2025.

With the above observations and directions CO 1017 of 2025 stands disposed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)