

Court No. 6  
(265719)

**29.07.2025**  
(AD 21)  
(S. Banerjee)

CO 1882 of 2025

M/s. Joy Baba Lokenath Construction & Ors.  
Vs.  
Chairman Dum Dum Municipality & Ors.

Mr. Shyamal Kumar Das  
Mr. Pronojit Roy

...for the petitioners

Ms. Mousumi Bhowal  
Mr. Aman Gupta

...for the opposite party no. 1

Mr. Kaustav Banerjee  
Ms. Ria Kundu

...for the opposite party no. 3

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

This application under Article 227 of the  
Constitution of India is a the instance of the developer  
of an impugned construction and is directed against  
order dated May 8, 2025 passed by the learned Civil  
Judge (Jr. Division) at Bidhannagar in Municipal  
Appeal No. 2 of 2025. By the order impugned, the  
prayer for stay of the order of demolition stood  
rejected.

The opposite party no. 3/plaintiff and the  
municipality are represented by their respective  
learned advocates.

After hearing the learned advocates for the respective parties and after considering the materials on record this court is of the considered view that unless an order of stay of the demolition order is passed during the pendency of the municipal appeal, the said appeal would become infructuous if in the meantime the order of demolition is implemented/executed.

After hearing the learned advocates for the respective parties this court finds that various legal and factual issues have been raised in the said appeal and interest of justice would be sub-served if the municipal appeal is directed to be disposed of expeditiously.

Learned advocates appearing for the opposite parties assure this court that they shall enter appearance in the municipal appeal within a period of two weeks from the date of receipt of a server copy of this order.

Learned Civil Judge (Jr. Division) at Bidhannagar is requested to make an endeavour to dispose of the Municipal Appeal No. 2 of 2025 as expeditiously as possible, preferably by the end of the month of November, 2025, without granting any unnecessary adjournment to either of the parties.

There shall be an order of stay of the order of demolition order dated March 29, 2025 passed by the municipality till the disposal of the said appeal.

With the above observations and directions, CO 1882 of 2025 stands disposed of.

It is, however, made clear that this court has not gone into the merits of the claim and counter-claim of the respective parties in the municipal appeal and the learned Civil Judge (Jr. Division) shall be free to decide the same without being influenced by any of the observations made in this order.

**(Hiranmay Bhattacharyya, J.)**