

M/L- 19
07/07/2025
Ct. No.-6
Aritra

C.O. 1865 of 2024

Mitali Maiti
Vs.
The Chairman, North Dum Dum
Municipality & Ors.

Mr. Jagannath Ganguly
....for the petitioner

Mr. Sudarsan Roy
Mr. Aziz Amin
Mr. Niladree Mukherjee
...for the Municipality

This application under Article 227 of the Constitution of India is at the instance of owner of the impugned construction and is directed against an order dated May 9, 2024 passed by the learned Civil Judge (Jr. Div.), Bidhannagar, District-North 24-Parganas in Municipal Appeal No.3 of 2024.

The learned advocate appearing for the municipality submits that till date the copy of the Municipal Appeal No.3 of 2024 has not been served upon the Municipality.

The learned advocate appearing for the petitioner undertakes to serve the copy of the appeal upon the Municipality as well as the other parties within two weeks from date.

Petitioner is directed to serve the copy of the appeal upon the Municipality and other respondents in the appeal within two weeks from date.

The learned advocate appearing for the Municipality submits that if an order directing an expeditious disposal of the municipal appeal is passed, the Municipality will not take any coercive steps in the meantime.

In the light of the submission made by the learned advocates for the respective parties and on the basis of the assurance given by the learned advocate for the petitioner that the copies of the Municipal Appeal No.3 of 2024 pending before the learned Civil Judge (Jr. Div.), Bidhannagar, District-North 24-Parganas shall be served upon the opposite parties within the time limit as indicated hereinbefore, the learned Civil Judge (Jr. Div.), Bidhannagar, District-North 24-Parganas shall make an endeavour to dispose of the municipal appeal as expeditiously as possible but preferably within a period of three (3) months from the next date fixed.

The learned advocate appearing for the petitioner submits that the next date in the appeal has been fixed sometimes in the month of January, 2026.

The learned advocate appearing for the Municipality prays for liberty to approach the learned Civil Judge for preponing the date of hearing. The petitioner, Municipality and other opposite parties are given liberty to approach the learned Civil Judge for preponing the next date of hearing. If such an approach is made, the learned Civil Judge shall consider the same

and prepone the next date of hearing considering the fact that the issue relates to an unauthorized construction.

With the above observation CO 1865 of 2024 stands disposed of.

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.)