

07.11.2025.
Court No.13
Item No. 27
ap

F.M.A. No. 1174 of 2025
With
I.A. No. CAN 1 of 2025

Jharna Rath
Versus
The State of West Bengal & Ors.

Mr. Sudeep Sanyal, Id. Sr. Advocate,
Mr. Snehasis Jana,
Mr. Tutun Das,
Mr. Chandrachur Lahiri,
Ms. Ketaki Ghosh.

...For the appellant.

Md. Manuwar Ali,
Mr. Tapas Ballav Mandal.

...For the State.

Mr. Nilanjan Adhikari,
Ms. Oindrila Sinha.

...For the respondent nos.2, 3 & 4.

Ms. Somoshree Saha.

...For the respondent no.6.

1. The appellant is aggrieved by an order dated 18th June, 2025 passed by a learned Single Judge of this Court in W.P.A. 10608 of 2025.

2. Counsel for the appellant submits that since the private respondent did not participate in the proceedings conducted by Contai Municipality to determine the legality of his construction, the learned Single Judge of this Court should not have interfered or permitted him time to file any appeal.

3. Counsel for the appellant also contends that the learned Single Judge of this Court ought not to have

stayed the order of demolition for a period of two months.

4. This Court notes that there is no limitation period prescribed under Section 218(3) of the West Bengal Municipal Act.

5. In those circumstances, it cannot be said that the learned Single Judge of this Court in any way gave any special indulgence or extended any time in favour of the private respondent. On the contrary, the learned Single Judge of this Court has laid down a time period for the private respondent to challenge the order of demolition.

6. In the backdrop of the above, this Court is of the view that interest of justice would be served if the learned Civil Judge (Junior Division), 1st Court, Contai disposes of the appeal of the private respondent under the West Bengal Municipal Act mandatorily and positively within a period of one month from 20th November, 2025, when the matter is fixed before the Civil Court, and no adjournment shall be granted to any parties.

7. With the aforesaid observations, F.M.A. 1174 of 2025 is disposed of.

8. In view of disposal of the appeal itself, the connected application being CAN 1 of 2025 is also disposed of.

9. There will be no order as to costs.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)