

Court No. 6
(265719)

25.08.2025
(AD 2)
(S. Banerjee)

CO 2360 of 2024

Santi Construction
Vs.
State of West Bengal & Ors.

CAN 1 of 2025
CAN 2 of 2025

Mr. Arindam Banerjee, Sr. Advocate
Mr. Indranil Munshi
Ms. Anushka Sarkhel

...for the petitioner

Ms. Somali Bhattacharya

...for the opposite party no. 5

Mr. Siddhartha Banerjee

Mr. Nihil Kumar Gupta

...for the Uttarpara Kotrung
Municipality

Though this matter is appearing under the heading 'Extension of Interim Order', with the consent of the learned advocates for the respective parties the matter is taken up for hearing treating the same as on the day's list.

This application under Article 227 of the Constitution of India is at the instance of the developer of an impugned construction and is directed against order no. 13 dated June 6, 2024 passed by the learned Civil Judge (Jr. Division), 1st Court, Serampore in Misc. Appeal No. 4 of 2023. By the order impugned, the prayer of the petitioner for stay of operation of the order of demolition dated

February 16, 2022 passed by the Uttarpara Kotrung Municipality, stood rejected.

Mr. Banerjee, learned Senior Advocate appearing for the petitioner submits that the petitioner has challenged the order of demolition passed by the municipality by filing a statutory appeal under Section 218(3) of the West Bengal Municipal Act, 1993. He submits that unless an interim order is passed, the appeal would become infructuous.

Learned advocate appearing for the opposite party no. 5 submits that the petitioner had made an illegal construction for which the municipality passed an order of demolition. She submits that an illegal construction could not be allowed to remain even for a moment. She, however, submits that the misc. appeal is otherwise ready for hearing and today (i.e., August 25, 2025) is the date fixed for hearing of the appeal and a direction be passed for an expeditious hearing of the said misc. appeal.

Heard the learned advocates for the respective parties and perused the materials placed.

The petitioner has approached the learned Civil Judge (Jr. Division), 1st Court at Serampore by filing a Misc. Appeal being no. 4 of 2023 under the provisions of Section 218(3) of the 1993 Act challenging the

order of demolition dated February 16, 2022 passed by the Uttarpa Kotrung Municipality.

Since the appeal is otherwise ready for hearing and a date has already been fixed for hearing such appeal, this court is inclined to extent the subsisting interim order till the disposal of the misc. appeal.

In the light of the submission made by the learned advocates for the respective parties CO 2360 of 2024 stands disposed of by requesting the learned Civil Judge (Jr. Division), 1st Court at Serampore to take up the hearing of the misc. appeal and to make an endeavour to dispose of the same as expeditiously as possible, preferably by the end of the month of September, 2025, without granting any unnecessary adjournment to either of the parties. This time-limit has been fixed taking into note of the fact that the appeal arises out of an order of demolition and the same is pending from the year 2023. The subsisting interim order is extended till the disposal of the Misc. Appeal No. 4 of 2023.

With the disposal of the main civil revision application, the connected applications being CAN 1 of 2025 and CAN 2 of 2025 have become infructuous and the same also stand disposed of.

(Hiranmay Bhattacharyya, J.)