

11.08.2025.
Item No. 12.
Court No. 13
pk

M.A.T. No. 1275 of 2025
CAN 1 of 2025
Ramen Kumar Mallick
Versus
State of West Bengal and others

Mr. Sayan Sinha,
Mr. K. Roy,
Mr. Adil Naser
... for the appellant.

Mr. Gautam Lahiri
... for the respondent nos. 1 and 2.

Mr. Amitabrata Roy, Ld G. P.
Mr. Nilotpal Chatterjee,
Ms. Mousumi Choudhury
... for the respondent no. 4.

Mr. Shamit Sanyal,
Ms. Priyakshi Banerjee
... for the respondent no. 5.

Mr. Arka Kumar Nag,
Md. Danish Farooqui
... for the respondent no. 6.

1. The appellant is aggrieved by an order dated 04.08.2025 passed by the Single Bench of this Court.
2. By the impugned order, the Court recorded that since the Municipality has already found violation of the building rules and sanctioned plan in the construction affected by the appellant in the subject property, the Municipality should proceed with execution of its order dated 24th July, 2025.
3. The learned Single Judge, however, recorded that the appellant has preferred an appeal against the order of the Municipality before the Civil Court

having jurisdiction being Mis. Appeal No. 18 of 2025. It is curious to note that while the appeal was filed on 31st July, 2025, the appellant has chosen not to move an application for stay before the Civil Court until Friday (08.08.2025).

4. Be that as it may, since the appellant has filed an application for stay, it is expected that the appellant shall move the appeal upon notice to the respondents immediately. If such application is moved within the next 48 hours, the Civil Court having jurisdiction shall dispose of the same mandatorily and positively within two weeks from date.
5. The order of the Municipality impugned in the writ petition shall abide by the result of the interim orders, if any, and if at all, passed by the Civil Court.
6. The appeal shall stand disposed of. Consequently connected pending application is also disposed of.
7. Time given by this Court shall not be construed by the Civil Court as having in any way interfered with the order of the Municipality.
8. 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.)

(Ajay Kumar Gupta, J.)