

20.01.2025
Item No.93 with 94 with 95
Monthly List
Ct. No.26
CHC

MAT 1757 of 2023
IA NO: CAN/2/2023
Mr. Rohit Choudhary & Ors.
Vs.
Sri Ramnarayan Ray & Ors.
with
COT 81 of 2023
Sri Ramnarayan Ray
Vs.
Mr. Rohit Choudhary & Ors.
With
COT 87 of 2023
M/s. R.K.B. Reality Infra Developers, represented
by its partner namely Sri Rajkumar Kadel & Anr.
Vs.
Sri Ramnarayan Ray & Ors.

Mr. Ayan Banerjee, Advocate
Ms. Debasree Dhamali, Advocate
...for the writ petitioner/cross objector

Mr. Animesh Paul, Advocate
Ms. Susmita Ghorai, Advocate
....for the respondent nos.9 and 10

1. Appeal and the cross-objection directed against the order dated July 27, 2023 passed in WPA 22064 of 2017 is taken up for final hearing.
2. None appears for the appellants.
3. None appeared for the appellants also before the learned Single Judge when the impugned order was passed.
4. In view of the appellants not being represented, appeal being MAT 1757 of 2023 is dismissed for default.
5. Cross-objections are required to be considered.

6. None appears of the cross-objectors in COT 87 of 2023.
7. Consequently, COT 87 of 2023 is dismissed for default.
8. Cross-objection COT 81 of 2023 is at the behest of the writ petitioner who seeks implementation of an order of demolition dated September 8, 2016 passed by the Chairman of the concerned Municipality.
9. Learned advocate appearing for such cross-objector submits that, apart from implementation of the order of demolition dated September 8, 2016 such cross-objector pointed out to the Municipality that the sanctioned plan granted was in violation of the building rules. Such issue is yet to be decided.
10. Since there exists an order of demolition dated September 8, 2016 and since, appeals under Section 218 thereof were found to be not maintainable and since, the learned Single Judge directed implementation of the order of implementation of demolition dated September 8, 2016 and since none appeared for the appellants in the appeal, we direct the Municipality to implement the order of demolition dated September 8, 2016 in terms of the order of the learned Single Judge.
11. So far as the issue of unauthorized sanction is concerned, Municipality will enter into a fresh proceeding to decide such issue. Municipality will no

doubt give adequate and appropriate notice in this respect to the private parties in the proceedings. Municipality will pass a reasoned order within a fortnight from the date of the communication of this order.

12. COT 81 of 2023 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)