

10.03.2025
Item No. 39
Ct. No. 15
AN

**WPA 26508 of 2024
(CAN 1 of 2025)**

**Smt. Dipali Shaw & ors.
vs.
The Chairman, Bhatpara Municipality & ors.**

Mr. Pritam Majumder
... for the petitioners

Mr. Rajib Mukherjee
Ms. Shreyasi Bhaduri
... for the Municipality

Mr. Dipanjan Datta
Mr. Amit Kr. Ghosh
Mr. Milan Kr. Maity
... for the State

The petitioners challenge a demolition order dated October 23, 2024, passed by the Board of Councillors of Bhatpara Municipality.

Learned counsel for the petitioners submits that the building in question has existed for over 100 years, and the petitioners have undertaken certain repair works. A perusal of the impugned order indicates that the petitioners have constructed a tin shade masonry building and have undertaken a recasting of the existing double-story roof without obtaining a sanctioned building plan.

However, the exact nature of the alleged unauthorized construction undertaken by the petitioners remains unclear.

The order is appealable under Section 218(3) of the West Bengal Municipal Act, 1993. Therefore, I am not inclined to consider the merits of the petitioners' case. I grant liberty to the petitioners to file a statutory appeal against the demolition order dated October 23, 2024, within a period of one month from the date of this order.

In the interest of justice, the operation of the demolition order dated October 23, 2024, shall remain stayed for a period of 45 days from the date of this order. Should the petitioners prefer an appeal, they may pray an extension of the stay, and the appellate authority shall consider the same in accordance with the law, without being influenced by any observations made in this order.

Accordingly, WPA 26508 of 2024 is disposed of. Consequently, CAN 1 of 2025 is also disposed of.

(Kausik Chanda, J.)