

WPA 382 of 2024

Rafikul Islam Mondal & ors.
Versus
The State of West Bengal & Ors.

Mr. Suresh Chandra Manna
Mr. Kaushik Manna
..... for the petitioner
Mr. R. N. Chakraborty
Mr. R. Singh
... for the municipality
Mr. Indrajit Bhattacharjee
..... for the respondent

1. Today, although the learned advocate for the petitioner by placing before this Court, the order dated 6th March, 2026 would submit that a demolition order has already been passed, however, the municipality is yet to implement the same. I find that the writ petition was filed for a direction upon the municipal authorities to demolish the commercial building situate at holding No. B-A2-1/2/1, 2,3,7,8 Santoshpur Karbala Link Road Bye Lane-2, Rabindranagar, Kolkata-66, ward No. 5 under Maheshtala Municipality, on the basis of a report obtained under Right to Information Act, 2005. Though there are civil dispute between the parties, the matter has since travelled further and demolition order has already been passed by the municipality on 6th March, 2026.

2. The municipality is represented in Court today and would submit that steps have already been taken to execute the demolition order dated 6th March, 2026. The demolition program initially fixed has been rescheduled on 19th June, 2026 at 12 noon. A copy of the aforesaid communication issued by the Chairman, Maheshtala Municipality filed in Court today dated 8th June, 2026 is taken on record.
3. The learned advocate for the private respondent would submit that challenging the order dated 6th March, 2026, a proceedings has been filed before the Court of learned Civil Judge (Junior Davison), 3rd Court, Alipore which has been registered as Title Suit No. 543 of 2026. He, however, candidly submits that he could not succeed in getting any ad interim order of stay.
4. Having heard the learned advocates appearing for the respective parties and noting that the municipality has already taken steps in the matter and passed a demolition order and in furtherance thereto, a demolition program has been fixed on 19th June, 2026 and since there appears to be no stay of the order passed by the learned Civil Court, I am of the view no fruitful purpose would be served in keeping the writ petition pending.
5. Accordingly, the writ petition is disposed of by directing the municipality to act in accordance with the order passed by the municipality on an

expeditious basis in accordance with law and to execute the same unless there be any impediment in executing the same.

(Raja Basu Chowdhury, J.)