

20.02.2026
Court No.13
Item No.6
pk

MAT 325 of 2026
CAN 1 of 2026

Protap Paul @ Pratap Paul
Vs.
Shrabani Dey and others

Mr. Dipayan Kundu,
Mr. Subham Ghosh

...for the appellant.

Mr. Lalit Mohan Mahata, AGP
Mr. Himadri Kumar Mahata

... for the State.

Mr. Dipak Kumar Mukherjee,
Mr. Rajib Mukherjee,
Ms. S. Bhaduri,
Mr. Soursih Mukherjee

... fort the Municipality.

1. The instant appeal is directed against order dated 27.01.2026. By the impugned order the Court directed the Uttarpara Kotrung Municipality to demolish appellant's shop room that was in front of the writ petitioner's residence.
2. It is also submitted that the appellant was occupying a municipal road and the shop room has been set up illegally.
3. The learned counsel for the appellant would argue before this Court in challenging the order dated 27.01.2026 that the matter was listed 678 of the Monthly List and was upgraded without notice to him.

4. This Court is of the view that the appellant should apply before the Single Bench indicating absence of notice.
5. Since even an unauthorized occupant is entitled to notice and eviction after due process of law, the Uttara Para Kotrung Municipality shall not carry out the order of demolition for a period of one week from date.
6. The appellant may make an appropriate application before the Single Bench in respect of the impugned order dated 27.01.2026.
7. With the aforesaid observations, the instant appeal is disposed of. Consequently, all connected pending applications, if any, are also disposed of.
8. There will be no order as to costs.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Md. Shabbar Rashidi, J.)