

58. 24.03.2026.
Court No.03.
(Pritam)

WPA 4783 of 2026.

Tarak Pal.

-Vs.-

State of West Bengal & Ors.

Mr. Anup Mukherjee,
Mr. Abhijit Sarkar,
Mr. Raja Biswas,
Ms. Trisha Saha.

.....for the petitioner.

Mr. Gautam Lahiri.

.....for the Serampore Municipality.

Mr. Souradipta Banerjee,
Ms. Fatima Hassan,
Mr. Ronojoy Mullick.

.....for the respondent no.6.

1. Affidavit-of-service filed in Court today is taken on record.
2. The present writ petition has been filed, *inter alia*, praying for a direction upon the municipal authorities to forthwith withdraw/cancel/modify/set aside the demolition notice dated 21st February, 2026.
3. Records would reveal that initially at the instance of one Swati Das, being the respondent no.6 in WPA 25825/2022, a Co-ordinate Bench of this Court noting that the petitioner herein who was a private respondent in such writ petition was carrying out construction

without maintaining statutory side open space and without any sanctioned plan had directed the municipality to consider the representation with regard to the unauthorized construction without entering into any private dispute of the parties regarding right, title and interest in respect of the aforesaid land. The order, however, made it clear that the Court had not gone into the merits of the claim made by the petitioner in such petitions and all points were left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

4. In furtherance thereto, the municipality appears to have passed a reasoned order on 6th June, 2023. Challenging the said order, a writ petition was filed, which was registered as WPA 14985/2023. By an order dated 1st April, 2024, the writ petition was disposed of by observing that since, the order impugned is appealable, it shall not be appropriate for the writ court to adjudicate the issues and the facts relying upon which the said order was passed.
5. Later, an appeal had been filed before the learned Civil Judge, Junior Division, which was registered as Mis. Appeal No.19/2024. Though, the matter has been filed in the year 2024, no interim order appears to have been passed.
6. Since thereafter, Swati Das, the respondent no.6 has approached this Court in WPA 27536/2024,

complaining inaction on the part of the municipality in not implementing the order dated 6th June, 2023.

7. The said writ petition was disposed of by order dated 2nd September, 2025 by directing the respondents to act as expeditiously as possible in accordance with law, and take the demolition order dated 6th June, 2023 to a logical conclusion.
8. Having heard the learned advocates for the respective parties and considering the materials on record, it appears that following the direction issued by the Co-ordinate Bench the demolition notice dated 21st February, 2026 appears to have been issued. It is well-settled that the petitioner cannot call upon this Court to sit an appeal over an order passed by a Co-ordinate Bench that has already directed the demolition order dated 6th June, 2023 to be brought to a logical conclusion and this Court cannot pass any contradictory order passed.
9. Accordingly, there is no scope to entertain and pass stay order in this petition.
10. The writ petition, thus, stands dismissed.
11. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Raja Basu Chowdhury, J.)