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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 12464 of 2026

Shakil Ahmed
Versus
The Bally Municipality & Ors.

Mr. Biswaroop Bhattacharya
Mr. Sanjib Seth
... For the petitioner.

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh
... For the municipality.

Mr. Amit Singh
.... For the private respondents.

1. Affidavit of service filed in Court is taken on record.

2. Challenging four several stop work notices issued by the Bally Municipality under Section 220(1) of the West Bengal Municipal Act, 1993, the instant writ petition has been filed.

3. Ms. Dhamali, learned advocate appears on behalf of the municipality and would submit that in furtherance to the above stop work notices the municipality has already concluded the proceedings and has passed a demolition order. The said demolition order was challenged by the petitioner by filing a writ petition which was registered as WPA 19991 of 2025. By an order dated 11th September, 2026 a Coordinate Bench of this Court had refused to interfere on the ground that the petitioner

has an alternative remedy. It is, however, not in dispute that the petitioner had since preferred an appeal and had obtained a stay. She would submit that since the stop work notices have already merged with the demolition order, nothing survives in the writ petition.

4. Mr. Bhattacharya, learned advocate appears in support of the writ petition and would submit that the demolition order having been stayed, there cannot be any impediment on the municipality to reconsider the petitioner's representation. He still further submits that the petitioner has obtained a sanction building plan for G+7 storied building, as such, there was no cause for the municipality to pass either the stop work notice or the demolition order.

5. Having heard the learned advocates appearing for the respective parties and having considered the materials on record, I find that in the instant case though four several stop work notices had been issued and the same ultimately culminated in the demolition order. Once, the demolition order is passed, there is no scope or opportunity available, at this stage for this Court, to direct the municipality to reconsider or review the stop work notices.

6. Though, Mr. Bhattacharya, learned advocate representing the petitioner would insist that since a building permit has been issued in favour of the petitioner, the municipality ought not to have passed the demolition order and the demolition order has been

passed by ignoring the sanction of the municipality, on this aspect, I am of the view there is no scope for this Court to enter into the factual issue. However, since an appeal is pending in my view it shall always be open to the petitioner to seek appropriate relief from appropriate forum, if so advised.

7. With the above observations and directions, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)