

19.01.2026  
Court No.13  
Item No.18  
AP

**FMA 386 of 2025**  
**With**  
**CAN 2 of 2024** (not found in the file)  
**Smt. Sarbani Mondal and Anr.**  
**Vs.**  
**Sankar Mukherjee and Ors.**

Mr. Apurba Kumar Ghosh  
Mr. Rudranil Ghosh

.... For the Appellants.

Mr. Lalit Mohan Mahata, A.G.P.  
Mr. Rudranil De

.... For the State.

Mr. Ayan Baernee  
Ms. Debasree Dhamali  
Ms. Riya Ghosh  
Ms. Debolina Ghosh

.... For the Bally Municipality.

Mr. Nilanjan Bhattacharjee, Senior Advocate  
Mr. Abhilash Chatterjee  
Mr. Akash Adak

.... For the Private Respondent.

1. The appeal challenges an order dated 30<sup>th</sup> April, 2024 passed by a Single Bench of this Court.

2. The appellants are private respondents in the writ petition being WPA 1868 of 2024. The writ petitioner/respondent filed the writ petition seeking enforcement of an order of demolition of unauthorized construction made by the appellants.

3. The Municipality found the building of the appellants to be unauthorized and ordered demolition in its order dated 28<sup>th</sup> July, 2022. The Single Bench only directed implementation of the said order of the Municipality.

4. It further appears that the appellants preferred a statutory appeal under Section 218 (3) of the West Bengal Municipality Act against the order of demolition issued by the Bally Municipality. Such appeal was dismissed by the Civil Court concerned.

5. The order of the Civil Court came to be challenged before a Single Bench of this Court in its revisional jurisdiction in CO 2539 of 2024. The said revisional application is also dismissed on 28<sup>th</sup> October, 2025 by a Single Bench of this Court.

6. In that view of the matter, since the appellant has availed all remedies available in law and an unauthorized construction found by the Municipality itself cannot be allowed to continue to exist, FMA 386 of 2025 fails and hereby dismissed. Consequently, all connected pending applications, if any, are also dismissed. A copy of the order dated 28<sup>th</sup> October, 2025 passed in CO 2539 of 2024 is taken on record.

7. The Bally Municipality shall take expeditious steps to demolish the unauthorized construction.

8. There shall 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.)**

**(Ajay Kumar Gupta, J.)**