

Order No.03  
Dated 26.07.22

Petitioner files hazira through ld advocate, Mr. Sankar Mukhopadhyay.

The stay petition is taken up for hearing.

Ld counsel submits that the impugned order passed by the Executive Magistrate is perverse and bad in law since he did not take any evidence and the order of removal has been passed solely based on the police report. He was not given opportunity of hearing or adducing evidence before passing of the impugned order.

He vehemently contended that if the impugned order is not stayed, there will be serious injury to the present petitioner.

Having considered the submission of ld counsel for the petitioner and on perusal of the impugned order, I find that the order was passed in presence of both the parties on 04.07.22 and the said order is a conditional order which relates to a dilapidated building where the first party has claimed that it may fall at any time and there is likelihood of causing injury to the persons lives.

I do not find any illegality in the impugned order on the face of it and therefore, in my humble opinion, the petitioner has failed to make out a prima facie case for passing an order of stay. Hence, the prayer for stay stands rejected.

Issue notice upon the opposite parties with returnable date on 20.08.22.

Requisite at once.

Call for LCR after service of notice upon the OP.

Dictated & corrected