

Municipal Appeal 03 of 2024
J.O. CODE WB 01536
WBNP18-000099-2024

Order no. 2 dated 09/05/2024

Record was put up today by the appellant.

The appellant by filing an application intended to move the a stay application.

Put up prayer is allowed.

No caveat is pending as per the office report.

The crux of the appellant case is that appellant intends to stay the order passed by the North Dum Dum Municipality vide memo no. NDDM/PWD/1101/3 dated 22/02/2024. By filing this application appellant submits that the North Dum Dum Municipality has failed to distinguish the words between construction and repair. They have failed to understand the sentimental values of the construction. By moving this stay application appellant intends to prays for staying the operation of memo no. NDDM/PWD/1101/3 dated 22/02/2024.

To support the suit, the plaintiff has filed following documents, a copy of aadhaar card, deed of sale and the notice being memo no. NDDM/PWD/1101/3 dated 22/02/2024 for perusal.

Perused the application and documents produced.

Perused the application and proceeding of the board of council. Prima facie it appears that the board of council acted as per law and provided reasonable opportunities to both the parties to present their case fully. It is pertinent to be mentioned here that both the parties took active part in presenting their case before the board of councillors. After going through the submissions of both the parties board of councillors decided that the construction made by the appellant party was made without approval of the sanctioned building plan. Thus, they decided to demolish the same. Here, board of councillors followed the required procedure. The appellant has failed to prove prima facie case before this Court. This Court does not find any procedural lacuna in the conduct of the inquiry by the Municipality. Thus, this Court does not find any prima facie reason why this stay application shall be entertained.

Hence, it is

O R D E R E D

that the stay application dated 9/05/2024 moved by the appellant is refused.

To date (21/05/2024) for appearance.

Civil Judge (Jr. Divin)
Bidhannagar