

D/L
Item No. 01
22.12.2023
KOLE

**MAT 2298 of 2023
With
IA No. CAN 4 of 2022**

**Sourav Ghosal & Ors.
-Vs.-
Sandhya Ghosh & Ors.**

*Mr. Debabrata Saha Ray, Sr. Adv.,
Mr. S. Chattopadhyay,*

...for the appellants/applicants.

*Mr. Asish Kumar Guha,
Mr. B. Ahmed,*

...for the State.

*Mr. Partha Sarathi Das,
Mr. Soumen Ghosh,
Ms. Riya Ballav*

...for the respondent no. 7.

Affidavit of service filed in court today be kept with
the records.

This application has been taken out for modification
of our judgment and order dated December 5, 2023,
whereby MAT 2298 of 2023 was disposed of. The portion of
that order relevant for the present purpose reads as follows:-

*“The appellants will be at liberty to carry
out essential repairs to the flat that they
occupy strictly under the supervision of an
Officer/Engineer to be deputed by Bally
Municipality. This will not create any
equity or special interest in favour of the
appellants. In other words, if it is found
ultimately that the unauthorized building
has to be demolished, such order shall be
implemented subject to interdiction of any
competent forum. The repairing work
should be completed by the appellants
within seven days from the day the
Municipality deposes an Officer/Engineer
to supervise such work”*

The applicants/appellants seek extension of time for
effecting repairs in terms of the aforesaid order, by two

weeks from date. Learned Advocate says that by January 5, 2024, the repairs would be completed.

Learned Advocate for Bally Municipality on instruction, says that under the garb of repairs, the appellants are restoring the demolished portion to its previous state.

If any of the other parties wishes to file affidavit in opposition to this application, the same may be filed by January 3, 2024. Reply thereto, if any, may be filed by January 8, 2024.

Let this matter be listed immediately after the Christmas Vacation when this Bench is again available after completion of affidavits. On that date, Bally Municipality shall file a report after holding due local inspection of the property in question.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)