

11.07.2025
Sl. No.20
tkm

W. P. A. 29505 of 2024

[Sanjay Kumar Dhara & Anr. -Vs- Uttarpara Kotrung Municipality & Ors.]

Mr. Abu Abbas Uddin
Ms. Nahid Rahman
Mr. Amit Ganguly
Mr. Ashis Santra
... .. for the petitioners

Mr. Siddhartha Banerjee
Mr. Nikhil Kumar Gupta
... .. for the Municipality
[Uttarpara Kotrung Municipality]

Mr. Kaushik Chandra Gupta
... .. for respondent nos. 7 & 8

Mr. Subhendu Bandyopadhyay
Mr. Arindam Mitra
... .. for the State

1. Petitioners have preferred the present writ petition seeking implementation of the demolition order issued by the respondent-municipality dated 4.4.2024.
2. It is the case of the petitioners that the illegal and unauthorized construction has been carried out at municipal holding no. 16 and 18 Benimadhab Ghosh Lane, Bhadrakali, ward 12.
3. Learned counsel for the petitioners submits that the private respondents have carried out the illegal and unauthorized construction in deviations of the sanctioned building plan. The respondent-municipality had passed the demolition order dated 4.4.2024 which the petitioners sought for implementation in the present writ petition.
4. Learned counsel for the respondents as well as private respondents appear and submit that the demolition order dated

4.4.2024 of which the petitioners have sought implementation has already been stayed by the civil court, (Jr.Div.), 1st Court, Serampore in Misc Appeal no. 12 of 2024 vide order dated 15.4.2024.

5. Since the court below is already seized of the matter, nothing survives in the present writ petition.

6. The relief sought for by the petitioners cannot be acceded to since there is a stay operating against the order dated 4.4.2024.

7. In view of the said findings, the present writ petition is disposed of with liberty to file appropriate proceeding in accordance with law.

(Gaurang Kanth, J.)