

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

WPA/17/2026

Shri. S.Islam

Vs

Sri. Vijaya Puram Municipal Council and others

Mr. K.Sabir

... for the petitioner

Mr. Arun S. Kumar

Ms. Dipaniwta Helder

... for the respondent No. 1-4

Mr. Arul Prasanth

... for the respondent No. 5

June 30, 2026

[AKB]

Item No.6

This writ petition has been filed alleging inaction on the part of the respondent, Sri Vijaya Puram Municipal Council in implementing the order of demolition dated December 11, 2025 passed by the Secretary, Municipal Council despite several representations by the petitioner.

Learned advocate appearing for the petitioner invites the attention of this Court to several representations made before the respondent Nos. 3 and 4 and submits that despite a series of representations having been made, the said respondents have not taken any step to implement the order of demolition dated December 11, 2025.

Learned advocate appearing for the respondent No.5 submits that the order of demolition dated December 11, 2025 has been challenged in appeal by the respondent No. 5 before the first Appellate Authority. It is submitted that since the

appeal was delayed by nineteen days, an application for condonation of delay has also been filed along with the appeal and both the application as well as appeal are pending consideration before the first appellate authority.

It is further submitted that the petitioner has suppressed the fact that a suit in respect of the self-same property is pending between the parties and there is an order of injunction in operation.

Heard learned advocates appearing for the respective parties and considered the materials on record. Since all the representations made by the petitioner pre-date the order of demolition, it cannot be said that the respondent municipal authority have remained inactive despite petitioner's representations.

Since the petitioner's prayer seeking implementation of the order of demolition has not been preceded by any representation seeking implementation therefore a writ of mandamus as prayed for cannot be issued.

It is however evident that there is an order of demolition against which the appeal is preferred. The petitioner shall be free to approach the respondent municipal authorities seeking implementation of the order of demolition, in accordance with law. The private respondent No. 5 shall also be free to make appropriate prayer before the learned appellate authority for

expeditious disposal of the pending application and the appeal against the order of demolition.

It is made clear that this Court has not gone into the merits of the case and all points are left open to be decided by the first appellate authority, in accordance with law.

WPA/17/2026 stands disposed of. No costs.

(Om Narayan Rai, J.)