

11-12-2019
Court No.2
Sh/30.

**CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
WRIT APPELLATE JURISDICTION
APPELLATE SIDE**

W.P.A. 777 OF 2019

**Sri Bindhyachal Prasad. Petitioner.
Vs.
Kurseong Municipality & Ors.. . . Respondents.**

Mr. Nripen Das,
Mr. Debanjan Das.

. . .For the Petitioner.

Mr. Debabrata Dhar (AGP),
Ms. Paramita Sahu.

. . .For the State.

Mr. Kunaljit Bhattacharjee.

. . .For the respondent nos.1-4.

Mr. Dipankar . . .For the respondent no.5

1. Affidavit of service filed in Court today is kept with the record.

2. This is an application under Article 226 of the Constitution of India, wherein the petitioner is aggrieved by the inaction on the part of the Municipality in considering his representation dated February 18, 2019.

3. Counsel appearing on behalf of the Municipality submits that notice under Section 223 of the West Bengal Municipal Act, 1993 (hereinafter referred to as the "said Act") has been served upon the petitioner and a date of hearing has been given on December 13, 2019. He further submits that the petitioner also filed an objection to the said notice.

3. I have heard the submissions made by the respective parties and perused the materials on record.

4. In the light of the above submission, the concerned Municipality is directed to continue with such proceeding under Section 223 of the said Act and in the said proceeding also to consider the representation dated 18th February, 2019 if the same has not been mentioned in the objection filed by the petitioner.

5. With the above observations and directions this writ petition being W.P.A. 777 of 2019 is disposed of.

6. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

7. Urgent Photostat certified copy of this order, if applied for, be handed over to the parties on compliance of necessary formalities.

(SHEKHAR B. SARAF, J)