

S/L 24
05.10.2020
Ct. No. 23
GB

W.P.A 5038 of 2020
CAN 1 of 2020

Ajit Kumar Singh
Vs.
Kamarhati Municipality & Ors.
(Through Video Conference)

Mr. Kushal Chatterjee,
Mr. Debabrata Ray.

...for the Petitioner.

Mr. Soumya Banerjee.

...for Respondent No.1.

This writ petition has been filed seeking compliance of the order dated November 22, 2019, passed by an Hon'ble Judge of this Court. By the order dated November 22, 2019 the Chairman, Kamarhati Municipality was directed to take a decision strictly on the merits of the case of the petitioners therein terms of the solemn order of the Hon'ble Single Bench dated December 15, 2017 after affording an opportunity of hearing to those petitioners and to any other person or persons who, in the opinion of the Chairman, deserve to be heard.

It is contended on behalf of the petitioner that as no time frame had been fixed by this Court, in the order dated November 22, 2019, the municipal authorities have just sat tight over the matter without disposing of the issues although there is grave urgency in disposal of the issues in view of the deprivation of life and livelihood of the writ

petitioner and others who were parties to earlier proceedings.

It is submitted on behalf of the municipal authorities that as no time frame had been fixed the matter was not disposed of and the tenure of the Chairman expired and a Chairperson, Board of Administrators has been appointed perform the function of the municipality.

Under such circumstances, the writ petition is disposed of with the direction upon the Chairperson, Board of Administrators to consider and dispose of the merits of the claims raised by three persons before the learned Single Judge in respect of whom the order dated November 22, 2019 had been passed. The order dated November 22, 2019 shall be complied with by the Chairperson, Board of Administrator in its true letter and spirit and the matter should be disposed of as directed by His Lordship within a period of ten days from date of communication of this order and a reasoned order should be passed and communicated to those persons in whose writ petitions the order dated November 22, 2019 was passed.

Accordingly, WPA 5038 of 2020 is disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)