

Ct. 09.10
No. 24
2020

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akb

W.P.A. 22015 of 2019

Bikash Laha & Anr.

-Versus-

Asansol Municipal Corporation & Ors.

**Mr. Debabrata Saha Roy
Mr. Indranath Mitra
Mr. Pingal Bhattacharyya
Mr. Subhankar Das
Mr. Neil Basu**

...For the Petitioners

Mr. Sounak Bhattacharya

**...For the Respondents
Asansol Municipal Corpn.**

This is an application under Article 226 of the Constitution of India wherein the writ petitioners are aggrieved by the con-consideration of their representation dated September 13, 2019 for an unauthorised construction of a particular premises.

The case of the petitioners is that they are the flat owners of the said building. Mr. Debabrata Saha Roy, learned Counsel appearing on behalf of the petitioners submits that till date the Asansol Municipal Corporation has not yet given a completion certificate to the entire premises and because of the same there is no water connection and sewerage system in the said building. He further submits that the Municipal Corporation should act in accordance with law.

I have heard the learned Counsel appearing on behalf of both the parties and perused the materials placed on record.

I am of the view that there is no impediment to the Municipal Commissioner in passing a reasoned order with respect to a representation made by the petitioners.

Accordingly, I direct the Municipal Commissioner, Asansol Municipal Corporation or his designated person to grant an opportunity to the

representative of the petitioners, developer of the said building, representative of the other flat owners and the other private respondents in this writ petition and thereafter pass a reasoned order within a period of eight weeks from the date of communication of this order. The petitioners are liberty to place relevant documents and the decisions before the Municipal Commissioner including the decision cited before this Court.

The reasoned order shall also be communicated to petitioners within a week from the date of passing the same.

With the aforesaid observation, the writ petition is disposed of.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

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

(Shekhar B. Saraf, J.)