

08,DL,Ct.18.
03.03.2021
AJ.

W.P.A. 255 of 2021

**Manwar Ali Molla
-Vs-
The State of West Bengal & Ors.**

Mr. Sounak Bhattacharya.
.....for the petitioner.

Mr. Chandi Charan De,
Ms. Chandana Ghosh.
.....for the State.

Mr. Achintya Kumar Banerjee,
Mr. Dipankar Ghosh,
Mrs. Indu Mouli Mukherjee.
.....for the respondent nos.4 to 6.

Affidavit of service filed in Court today on behalf
of the petitioner be kept with the record.

The petitioner is complaining that the
possession of his land comprised in premises no. 47,
Hirendra Lal Sarkar Road, Police Station: Bansdrani,
Kolkata – 700001 has been taken away by the Kolkata
Municipal Corporation without due process of law for
the purpose of erecting a pump house.

The grievance of the petitioner is that he by his
representation dated December 11, 2020 sought relief
from the different authorities of the Kolkata Municipal
Corporation but the said representation has not yet
been taken care of by the said authorities.

Mr. Banerjee, learned advocate appearing on
behalf of the Kolkata Municipal Corporation submits
that he has obtained a report from the Executive
Engineer, Water Supply department, Kolkata
Municipal Corporation wherefrom it appears that the
construction of the pumping station is being carried

out outside the area of premises no.47, Hirendra Lal Sarkar Road but within the road area of Kolkata Municipal Corporation.

Mr. Bhattacharya, learned advocate for the petitioner strongly disputes the said report.

The said report is taken on record.

To resolve the issue the Municipal Commissioner, Kolkata Municipal Corporation, the respondent no.5 herein, is directed that either he or any officer of the Kolkata Municipal Corporation nominated by him shall dispose of the representation of the petitioner dated December 11, 2020 appearing at page 39 of the writ petition being Annexure 'P-5' by a reasoned order after giving the petitioner an opportunity of being heard by the end of the month of July, 2021.

The petitioner shall serve a complete copy of the writ petition along with a copy of this order to the respondent no.5 within a week from date.

W.P.A. 255 of 2021 is disposed with the above terms. No order for costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)