

19.02.2021
SL No.10
Court No.24
(P.M.)

WPA 26 of 2020
With
CAN 1 of 2020
(CAN not in the file)
Dr. Partha Sarathi Paul
Vs.
The State of West Bengal & Ors.

Mr. Sumit Roy
... for the petitioner

None appears on behalf of the Kolkata Municipal Corporation as well as the private respondent despite service.

Affidavit of service filed in Court is taken on record.

The petitioner alleges that the private respondent has forcefully and illegally installed a statue on the public road in front of the entrance gate of the petitioner at the premises No. 7, Kripanath Lane, Kolkata – 700005, Ward No. 9, P.S. Shyampukur, under the Kolkata Municipal Corporation.

The petitioner filed an objection before the Municipal Commissioner of the Kolkata Municipal Corporation by a representation dated 12th September, 2019 with a prayer for removal of the said statue so that there is no hindrance in free ingress and egress to the said premises.

The petitioner alleges that his representation has not been considered by the Kolkata Municipal Corporation till date. The petitioner submits that because of the aforesaid statue the free ingress and egress of the petitioner is being obstructed.

As it appears that the representation of the petitioner objecting to the installation of the statue is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent No. 6 being the Municipal Commissioner, Kolkata Municipal Corporation or any officer authorised by him to take steps for consideration of the representation filed by the petitioner on 12th September, 2019 strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, within a period of ten weeks from the date of communication of a copy of this order and pass a reasoned order and communicate the same to all the necessary parties, including the petitioner, immediately thereafter.

The said respondent shall ensure that there is no hindrance or obstruction in the public lane in view of the statute which is alleged to have been installed illegally.

WPA 26 of 2020 along with CAN 1 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)