

WPA 939 of 2021

T.C. Motors Private Limited
Vs.
Bidhannagar Municipal Corporation & Ors.

Mr. Om Narayan Rai
Mr. Nikhilesh Mittal
... for the petitioner

Mr. Debabrata Saha Roy
Mr. Arka K. Nag
Mr. Subhankar Das
... for B.M.C.

Mr. Rajeev Kumar Jain
Mr. Ayush Jain
... for the respondent No. 4 & 5

The petitioner alleges illegal and unauthorized construction being carried on in Municipal Holding No. AS/213/Block B, Noapara, Biswabangla Sarani, Police Station – Baguihati, Rajarhat, North 24-Parganas.

The petitioner complains that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

Learned Advocate appearing on behalf of the private respondents submits that the writ petition is liable to be dismissed on the ground of gross suppression of material facts. It has been submitted that a civil suit is pending in between the parties for the last four years. It has also been submitted that the petitioner has not approached the Court with clean hands. The petitioner cannot be treated

as an aggrieved party and accordingly, writ of mandamus ought not to be issued in such a case.

Learned advocate appearing on behalf of the Bidhannagar Municipal Corporation submits that representation has been made by the petitioner only on 7th December, 2020 and immediately after filing the representation the petitioner has rushed to this Court without giving any time to the Municipality to consider his representation.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction 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. 2 to consider and dispose of the representation made by the petitioner, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, within a period of eight weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioner, immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid

respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated 07.12.2020 to the aforesaid respondent at the time of communicating the order of the Court.

Since the writ petition is disposed of at the motion stage the allegations made by the petitioner are deemed not to have been admitted by the respondents.

WPA 939 of 2021 stands 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.)