

21.09.2021
Sl. No.15
srm

W.P.A. No. 6765 of 2021
Shaktipada Pal
Vs.
The State of West Bengal & Ors.

Mr. Gopal Chandra Ghosh,
Mr. Sobhan Majumder
...for the Petitioner.

Mr. Debjit Mukherjee,
Ms. Rupsa Chakraborty
..for the State.

Despite service, none appears either on behalf of the Haldia Municipality or on behalf of the respondent No.6. Affidavits of service are taken on record.

The allegation of the petitioner is that the respondent No.6 has been granted a sanction plan to construct over Dag No.358, JL No.167, Mouza-Hatiberia, Police Station-Haldia, District-Purba Medinipur, by the Haldia Municipality, illegally as the said land is an agricultural land.

It is submitted that the said sanction plan was obtained by practising fraud and misrepresentation.

Mr. Mukherjee, learned Advocate appearing on behalf of the State-respondents, submits that it is for the municipal authorities to decide the allegations made in the writ petition.

The law provides for a mechanism for entertainment and disposal of such complaints. The petitioners have already

submitted complaints/representations before the Haldia Municipality and its authorities on October 10, 2020 and thereafter on December 15, 2020 but those complaints have not been disposed of.

Section 217 of the West Bengal Municipal Act, 1993 provides that if it is found by the competent authority of a municipality that the plan that has been sanctioned in favour of a person on the basis of fraud or misrepresentation then the said plan can be cancelled and the work done on the basis thereof shall be deemed to have been done without a sanction plan.

The writ petition is disposed of with a direction upon the competent authority of the Haldia Municipality to treat the representations/complaints of the petitioner as objections under Section 217 of the West Bengal Municipal Act, 1993 and the appropriate authority shall dispose of the said complaints/representations in accordance with law upon hearing the petitioner as also the respondent No.6 and pass a reasoned order. The reasoned order shall be communicated to all concerned. The municipal authorities are directed to reach the proceedings to its logical conclusion.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

This Court has not gone into the claims and counter-claims of the parties and municipal authority shall decide the issue independently upon granting adequate opportunity to the parties to make their submissions and place their documents at the time of hearing.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)