

29.6.
2021

W.P.A 10698 of 2021

Dipankar Saha and another
-vs-
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Abhijit Basu,
Mr. Anirban Ghosh
.... For the petitioners

Mr. Achintya Kumar Banerjee
Mr. Himadri Sikhar Chakraborty ... for the State

Ms. Indumouli Banerjee .. for the respondent nos.
4 and 5

The petitioner complains of illegal and unauthorised construction by the respondent no. 7, Kalyan Debnath.

None appears on behalf of the respondent no. 7 despite service. Affidavit of service filed in Court is taken on record.

In view of the order I intend to pass, no useful purpose will be served by keeping the writ petition pending. It appears that the representation filed on behalf of the petitioner alleging illegal construction has not been considered by the respondent Municipality till date.

Accordingly, the instant writ petition is disposed of by directing the Ranaghat Municipality to take necessary steps for consideration and disposal of the representation dated 1st May, 2021 filed on behalf of the writ petitioner strictly in accordance with law after giving an opportunity of hearing to all the necessary parties and to pass a reasoned order and communicate the same to all the parties within a period of twelve weeks from date of communication of a copy of this order. The Municipality shall not enter and decide the private right, title and interest of the parties.

As the matter is being disposed of without calling for any affidavits, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

The Municipality shall ensure that no unauthorised constriction is carried on in the premises in question.

The writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)