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11.01.2021.
d.p.

**W.P.A 23393 of 2019
(Via Video Conference)**

**Kalyani Chakraborty
-versus
State of West Bengal & Ors.**

**Ms. Susmita Saha Dutta.
...For the Petitioner.**

**Mr. Amales Roy,
Ms. Mousumi Bhowal.
...For the Municipality.**

**Mr. Manabendra Thakur,
Mr. Partha Sarathi Das.
...For the
Private Respondents.**

The petitioner alleges illegal and unauthorized construction being made by the private respondents. A representation has been served upon the Chairman of the Board of Councillors of the South Dumdum Municipality on 12th September, 2019.

The petitioner's grievance is that the said representation has not been considered by the respondent Municipality till date.

The learned advocate appearing for the Municipality submits that there is a private dispute in between the parties and the construction is already over. A completion certificate has already been issued in favour of the private respondents.

Be that as it may, as it appears the representation made by the petitioner is pending consideration at the end of the respondent authority, no useful purpose will be served by keeping the writ petition pending.

The writ petition is disposed of by directing the Board of Councillors, South Dum Dum Municipality being the respondent No. 4 to consider the representation made by the petitioner, strictly in accordance with law, within ten weeks from the date of communication of a copy of this order.

The said respondent shall give an opportunity of hearing to all the necessary parties prior to deciding the issue. The respondent shall pass a reasoned order and communicate the same to the petitioner and all the necessary parties immediately thereafter.

It is made clear, that this court has not gone into the merits of the claim of the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioner.

W.P.A. 23393 of 2019 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)