

WPA 23576 of 2019

**Bishnu Dey
Vs.
The State of West Bengal & Ors.**

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Mr. Shyamal Mukhopadhyay
Ms. Priyanka Chatterjee
... For the Petitioner

Mr. Arijit Dey
... For the Baranagar Municipality

Mr. Tapas Kumar Adhikari
... For the State

The petitioner alleges that illegal and unauthorized construction is being carried on by the private respondent in the premises no. 47, Deshapriya Nagar Colony, Kolkata-700050.

The petitioner made an objection before the Chairman, Baranagar Municipality on 27th November followed by a notice demanding justice through the learned advocate on 5th December, 2019.

The petitioner complains that the said objections have not been considered by the respondent authority till date.

Learned advocate representing the Municipality submits, upon instruction, that on receipt of the complaint an inspection was conducted in the said premises. It has been found that unauthorized construction was going on and notice to stop work was issued in favour of the private respondent.

As it appears from the submission of the learned advocate appearing on behalf of the Municipality that prima facie there is an observation of illegal construction being carried on in the aforesaid premises and the objection

raised by the petitioner is pending consideration at the end of the Municipality, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Baranagar Municipality to take prompt necessary steps to consider the objection raised by the petitioner, strictly in accordance with law, within a period of twelve weeks from the date of communication of a copy of this order after giving an opportunity of hearing to the petitioner and all other necessary parties.

The said respondent shall pass a reasoned order and communicate the same to the petitioner and all other 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.

WPA 23576 of 2019 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)

