

Court No. 24

08.02.2021

(Item No. 22)

(AB)

W.P.A 8433 of 2020

Jinendra Investment Private Limited

vs

The State of West Bengal & Anr.

Mr. Mainak Bose

Mr. Shakeel Mohammed Akhtar

...for the Petitioner

Mr. R. N. Dutta

Mr. Hare Krishna Haldar

..... for the State

Mr. Triptimoy Talukder

Mr. Sayuj Kumar Banerjee

Mr. Abhiraj Tarafdar

..... For Konnagar Municipality

Leave is granted to the learned advocate appearing for the petitioner to implead Konnagar Municipality as party respondent in the instant writ petition. As the Chairman of the said Municipality is already represented in Court by the learned advocate, the requirement of service of the copy of the writ petition upon Konnagar Municipality stands dispensed with.

The petitioner complains that Konnagar Municipality is illegally encroaching upon their private land and setting up pipelines by excavating huge portions of their private land.

The petitioner has annexed documents with the writ petition to show that the land in question was purchased by them through a public auction sale and they are the absolute owners of the said land in question.

The petitioner, however, admits that no demand notice was served upon the Municipality prior to approaching this Court for relief.

The learned advocate representing the Konnagar Municipality submits, upon instruction, that the land which has been purchased by the writ petitioner consisted of a public road beneath which the drainage pipelines are placed. The Municipality is merely repairing the pipelines otherwise there will be sewerage problems in the area in question.

As it appears that the petitioner has approached this Court without approaching the Konnagar Municipality for redressal of his grievance, accordingly, the petitioner has given leave to file a composite representation before the Konnagar Municipality annexing all documents in support of his prayer for redressal of his grievance.

In the event such a representation is made, the Konnagar Municipality shall take steps to consider the same, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, within a period of four weeks from the date of receipt of the said representation. The Konnagar Municipality 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 gone into the merits of the claim raised 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 writ petition stands 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.)