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25.01.2021.
d.p/s.m.

**W.P.A 9218 of 2020
(Via Video Conference)**

**Jiban Nandi
-versus
The State of West Bengal & Ors.**

**Mr. Shibaji Kr. Das,
Ms. Rupsa Sreemani.
...For the Petitioner.**

**Mr. Ashim Kr. Ganguly,
Mr. Bellal Shaikh.
...For the State.**

None appears on behalf of the Gayeshpur Municipality in spite of service.

The petitioner alleges that the private respondent is constructing a boundary wall without leaving the mandatory open side spaces. The petitioner has objected to the aforesaid by a representation dated 29th September, 2020 written to the Chairperson of the Board of Administrators of the Gayeshpur Municipality.

The petitioner complains that his representation has not been considered by the respondent authority till date.

As it appears that the petitioner has already raised his objection by way of a representation, which is pending consideration at the end of the Gayeshpur Municipality, no useful purpose will be served by keeping the writ petition pending.

In view of the above, the instant writ petition is disposed of by directing the Gayeshpur Municipality to take necessary steps for consideration of the representation that has been made 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.

The said respondent shall pass a reasoned order after giving an opportunity of hearing to the petitioner and all other necessary parties 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 case 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.

The petitioner is directed to forward a copy of the representation dated 29th September, 2020 to the Gayeshpur Municipality at the time of communication of this order.

W.P.A. 9218 of 2020 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.)