

WPA 9457 of 2020

**Rakhi Chatterjee
Vs.
Midnapur Municipality & Ors.**

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Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Subhankar Das
... For the Petitioner

Mr. Nilanjan Bhattacharjee
Mr. Sirshendu Chaudhury
... For the Private Respondents

Mr. Anami Sikdar
Mr. Abhijit Boral
... For the Midnapur Municipality

The petitioner is aggrieved with the action of the Midnapur Municipality in sanctioning a building plan contrary to the West Bengal Municipal Act, 1993 and the West Bengal Municipal (Building) Rules, 2007.

The specific allegation of the petitioner is that the provisions of Rules 46 and 49 of the West Bengal Municipal (Building) Rules, 2007 has not been taken into consideration at the time of sanction of the building plan.

The petitioner ventilated her grievance by a representation dated 4th September, 2020.

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

Learned advocate representing the Municipality submits that the petitioner does not have an enforceable legal right to file the writ petition. There is a private dispute in between the parties and the petitioner has approached the State Consumer Dispute Redressal Commission, West Bengal by filing Case No.

CC/565/2016, which is pending adjudication.

It has further been submitted that the petitioner was well aware of the aforesaid construction which is being made from 2013 onwards. As there is a private dispute the petitioner has filed this case as a counter blast.

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

The writ petition is accordingly disposed of by directing the Board of Administrator to take a decision with regard to the representation made by the petitioner, strictly in accordance with law, within a period of ten weeks from the date of communication of a copy of this order.

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.

Instruction given by the Midnapore Municipality through their learned advocate is retained with the record.

WPA 9457 of 2020 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.)

