

17.03.2021
SL No. 20
Court No.24
(P.M.)

WPA 11404 of 2020

**Jhuma Nayak Halder & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Shyama Prasad Chattopadhyay,
Mr. Arjun Samanta
... for the petitioners
Mr. Debabrata Saha Roy,
Mr. Arka K. Nag,
Mr. Subhankar Das
... for Bidhannagar Municipality
Mr. Anirban Mitra,
Mr. Amit Halder,
Ms. Saberi Saha
... for the respondent No. 7

The grievance of the petitioners is that the private respondent is running a business without obtaining any certificate of enlistment from the Bidhannagar Municipal Corporation.

Petitioners specifically submit that the provisions of Section 141 Schedule II and Section 97(4)(o) of the West Bengal Municipal Corporation Act, 2006 has not been complied with.

Petitioners have made a representation before the Bidhannagar Municipal Corporation and complains that the same has not been taken into consideration by the authorities till date.

The learned advocate representing the private respondent denies the allegation of running a business from the premises in question.

The learned advocate appearing on behalf of the Bidhannagar Municipal Corporation does not have any instruction in the matter.

As it appears that the complaint filed by the petitioners before the Bidhannagar Municipal Corporation dated 8th September, 2020 is pending consideration at the end of the Bidhannagar Municipal Corporation, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 4 being the Commissioner, Bidhannagar Municipal Corporation to consider the representation filed by the petitioners dated 8th September, 2020, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioners, at the earliest, but positively within a period of eight 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 all the necessary parties, including the petitioners, immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

As the writ petition is being disposed of at the motion stage without calling for any affidavit the allegations made

in the writ petition are deemed not to have been admitted by the respondents.

WPA 11404 of 2020 stands disposed of.

Affidavit of service filed in Court is taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)