

15-03-2021
Court No.2
Sh- 54

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

W.P.A. 622 OF 2021

Ram Chandra Agarwal. Petitioner.
-Vs-
State of West Bengal & Ors. Respondents.

Mr. Suresh Kumar Mitruka.
.. For the Petitioner.
Mr. Deborshi Dhar.
.. For the Respondent Nos.9-11.

Affidavit of service furnished by the petitioner today in Court be taken on record.

The principal grievance of the writ petitioner is against respondent no.5, Siliguri Municipal Corporation for not having considered the several representations/complaints furnished by the writ petitioner alleging violation of the provision of the Municipal laws.

It is further contended by the learned advocate for the writ petitioner that there has been illegal construction raised upon making strict violation of the provision of the Municipal laws and rules thereunder and the representation submitted by the writ petitioner has not been taken to redress the grievances expressed by the writ petitioner.

Learned Advocate representing the private respondent nos.9-11 is present and he submits that there has been no illegal construction raised making violation of the provisions of the law. Thus, according to the private respondents the construction has been carried out adhering to the Municipal laws and rules and

pursuant to the sanction plan being issued for the purpose.

The attention of the Court is drawn to the representation dated 27th October, 2020 last submitted by the writ petitioner before the Siliguri Municipal Corporation. The principal grievance being against the Siliguri Municipal Corporation the Court is of the view that the purpose of the justice will be best sub-served directing respondent nos.2 and 3, being the person responsible to consider the representation, lastly submitted on 27th October, 2020 by the writ petitioner and to dispose of the representation recording reasons after providing sufficient opportunity of hearing to all the necessary parties to this case. Such consideration by the Siliguri Municipal Corporation should be made within a period of one month from the date of communication of this order.

It is clarified that while making such consideration of the representation of the writ petitioner, a notice of hearing, if required, may be given in all fairness of exercise, directed to be adhered to for the purpose.

With these directions and observations the writ petition stands disposed of without any order as to costs.

Photostat Certified copy of this order, if applied for, be supplied to the learned advocates for the parties expeditiously on compliances of all requisite formalities.

(SUBHASIS DASGUPTA, J.)