

M/L 81
04.7.2022
Court No.24
SD

WPA 984 of 2021

Madhusudhan Dolai
Vs.
State of West Bengal & Ors.

Mr. Dilip Kumar Samanta
Mr. Biswapriya Samanta

...for the Petitioner.

Mr. Uttam Kr. Bhattacharya

...for the Respondent Nos.2-5.

Affidavit of service filed by the petitioner in Court today be kept with the records.

The petitioner alleges that the respondent no.6 has illegally constructed a wall in front of his shop room. The said wall is creating obstruction in the free ingress and egress to the petitioner's shop. The petitioner made representation to the Chairman of the Panskura Municipality on October 5, 2020 and alleges that the said representation has not been considered till date.

None appears either on behalf of the Municipality or the respondent no.6 at whose instance the wall has been constructed.

In view of the above, the instant writ petition is disposed of by directing the Panskura Municipality being the respondent no.7 to consider the representation of the petitioner dated October 5, 2020 filed before the Panskura Municipality praying for removal of the wall strictly in accordance with law, at the earliest, but positively within a

period of eight weeks from the date of communication of this order.

The said respondent shall give an opportunity of hearing to all the necessary parties and thereafter decide the issue and pass a reasoned order and communicate the same to all the parties immediately thereafter.

The petitioner is directed to forward a copy of the representation dated October 5, 2020 to the Municipality at the time of communicating the order of the court.

It is made clear that this Court has not entered 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 adjudicating the representation filed by the petitioner.

Accordingly, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

(Amrita Sinha, J.)