

Item No. 36

22.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 2522 of 2022

Uttam Kumar Dey & Anr.
v.
The State of West Bengal & Ors.

Mr. Sandip Kundu
Mr. Rwitendra Banerjee
... for the petitioners.

Mr. Manabendra Thakur
Mr. Swarup Kumar Ghosh
... for the respondent nos. 2 & 3.

None appears on behalf of the respondent no. 6
despite service.

Affidavit-of-service filed in Court today is taken on
record.

The petitioners allege that the respondent no. 6
has constructed a Gumti in front of the land of the
petitioners and over the public road.

The Gumti has been placed in such a manner that
the right to free egress and ingress to the petitioners'
plot is blocked. The representation filed by the
petitioners before the Municipality in December 2021
has not been answered till date.

The Municipality is represented.

The concerned officer of the Ghatal Municipality is directed to take steps to remove any unauthorized construction from the public road. Steps shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of a copy of this order.

A reasonable opportunity of hearing shall be given to the petitioners as well as the other necessary parties prior to taking a decision in the matter.

The petitioners are directed to forward a copy of the communication dated December 13, 2021 to the Ghatal Municipality at the time of communicating the order of this Court.

The Ghatal Municipality shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)