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07.06.2022
d.p.

W.P.A. 2944 of 2022

**Kabita Rani Sautya
-versus
The State of West Bengal & Ors.**

**Mr. Salil Kumar Maiti,
Mr. Pinaki Saha.
...For the Petitioner.**

**Mr. S.M. Hassan,
Ms. Anupama Yasmin.
...For the Municipality.**

**Ms. Sipra Mazumder.
...For the State.**

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

None appears on behalf of the private respondent in spite of service.

The petitioner alleges illegal and unauthorized construction by the private respondent in the Plot No. 872, Mouza-Rajarampur, J.L. No. 102, Ward No. 4 Haldia Municipality.

It is a specific contention of the petitioner that the private respondent has made construction without obtaining any sanction from the municipality and without leaving the statutory open space.

Upon service of a copy of the writ petition on the municipality, a notice of hearing was issued to the petitioner as well as to the private respondent.

The date of hearing was fixed on 2nd March, 2022 in the office of the municipality.

Learned advocate appearing for the petitioner asserts that the petitioner was present in the hearing.

It has been submitted that the fate of the hearing has not been intimated to the petitioner till date.

As it appears that the municipality has already taken cognizance of the complaint filed by the petitioner and a hearing was given to both the parties, accordingly, it is incumbent upon the municipality to dispose of the complaint filed by the petitioner in accordance with law.

In view of the above, the instant writ petition is disposed of by directing the Haldia Municipality to take steps to conclude the proceeding initiated by the municipality in response to the complaint lodged by the petitioner alleging illegal and unauthorized construction, strictly in accordance with law at the earliest, but positively within a period of eight weeks from the date communication of a copy of this order.

The reasoned order passed by the municipality shall be communicated to both the parties immediately thereafter.

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

The writ petition stands disposed of.

The notice of hearing dated 22nd February, 2022 issued by the Executive Officer, Haldia Municipality through the parties be retained with the records.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)