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06.07.  
2022  
Ct. No.24

WPA 5823 of 2021

**Ayesa Bibi**  
**Vs.**  
**State of West Bengal & Ors.**

**Mr. Sanjay Saha**  
**.....For the Petitioner**  
**Mr. Nilanjan Adhikari (Enrollment**  
**No.WB/1178/2007)**  
**.....For the Respondent Nos. 3 and 4**

**Mr. Chandi Charan De**  
**Ms. Chandana Ghosh**  
**.....For the State**

Leave is granted to the learned advocate on record of the petitioner to implead the Chairman, Contai Municipality as party respondent in the instant writ application.

The formality of serving a copy of the writ petition upon the added respondent stands dispensed with as learned advocate has already entered appearance on behalf of the Contai Municipality.

The specific allegation of the petitioner is that the Municipality has constructed a public road over the private land of the petitioner. The same has been constructed without acquiring the land of the petitioner in accordance with the provisions of law.

The petitioner raised an objection before the Administrator of the Municipality by a letter dated 3<sup>rd</sup> December, 2020 and alleges that the same has not

been taken up for consideration till date. The petitioner thereafter submitted a legal notice demanding justice through the learned advocate on 18<sup>th</sup> December, 2020. The same has also not been responded to by the Municipality.

Learned advocate representing the Municipality submits, upon instruction that, the Municipality does not construct roads over the private property of an individual.

It has been submitted that on receipt of the representation from the petitioner, site inspection was conducted by the Municipality wherefrom it revealed that no construction has been made over the private land of the petitioner.

There is nothing on record to show that the Contai Municipality actually considered the representation of the petitioner.

Learned advocate for the petitioner submits that after service of a copy of the representation upon all the respondent authorities including the State respondents, a letter was issued by the Sub-divisional Officer, Contai addressed to the Executive Officer of the Contai Municipality to hear out the matter. The same has also not been done.

In view of the above the instant writ petition is disposed of by directing the Chairman, Contai Municipality to take into consideration the notice

demanding justice filed by the learned advocate for the petitioner on 18<sup>th</sup> December, 2020 strictly in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties within a period of twelve weeks from the date of communication of this order and pass a reasoned order and communicate the same to the parties immediately thereafter.

The petitioner is directed to forward the copy of the notice demanding justice dated 18<sup>th</sup> December, 2022 along with the Municipal Holding number and the Ward number to the aforesaid respondent at the time of communicating the order of this Court.

The writ petition stands disposed of.

Leave is granted to learned advocate for the Contai Municipality to file the Vakalatnama in the department by 8<sup>th</sup> July, 2022.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**(Amrita Sinha, J.)**

