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17.08.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 5836 of 2022

**Souvik Modak & Ors.
-versus-
The State of West Bengal & Ors.**

**Mr. Samir Halder,
Ms. Cardina Roy.
...For the Petitioners.**

**Mr. Tanmoy Mukherjee,
Mr. Amal Kumar Saha,
Mr. Souvik Das,
Mr. Rudranil Das.
...For the Respondent No.14.**

**Mr. Soumyajit Bhatta,
Mr. Bikash Kumar Chattopadhyay.
...For the Municipality.**

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

The petitioners claiming to be lessors of the Holding No. 192F and 193F, R.N. Avenue, P.S.-Sodpur, Mouza-Sodpur, C.S. Dag No. 485 and 240, District-North 24-Parganas, Kolkata-700110 are aggrieved by the act of the Panihati Municipality in deleting the name of Rathindra Narayan Singha Roy and incorporating the name of Ranadip Singha Roy as lessee in respect of the aforesaid premises.

The petitioners submitted representation before the Municipality in February 2022 and allege that the same has not been taken up for consideration till date.

Learned advocate appearing for the respondent No.14 submits, upon instructions, that his name has been incorporated in the records of the Municipality on the basis a Will which has been executed in his favour by the original lessee.

It has further been submitted that a tenancy agreement was also entered between the parties wherein the name of the respondent No.14 is mentioned.

Learned advocate appearing for the Municipality submits that the name of the respondent No.14 has been incorporated on the basis of the documents that are available on records of the Municipality.

It appears from the submissions made on behalf of the parties that the name of the respondent No.14 was incorporated in the records of the Municipality by deleting the name of Rathindra Narayan Singha Roy without giving any opportunity of hearing to the petitioners and their legal representatives and other interested parties.

The representation of the petitioners is pending consideration till date.

In view of the above, the writ petition is disposed of by directing the Board of Councillors of the Panihati Municipality to hear out the parties and thereafter take a decision with regard to the representation filed by the petitioners in accordance with law.

The Board of Councillors shall pass a reasoned order and communicate the same to the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the Board of Councillors at the time of consideration of the representation of the petitioners.

Learned advocate appearing for the petitioners is directed to forward a copy of the representation dated 17th February, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

A decision shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)