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13.07.2022
d.p.

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

W.P.A. 7158 of 2022

**Smt. Ashalata Mondal
-versus
The State of West Bengal & Ors.**

**Mr. Pradip Kumar Chakraborty,
Mr. Puspendu Chakraborty.
...For the Petitioner.**

**Mr. Shyama Prasad Purkait,
Ms. Moumita Mondal.
...For the Municipality.**

**Mr. Narayan Ch. Bhattacharyya,
Ms. Sujata Ghosh.
...For the State.**

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

Learned advocate for the Municipality submits that he has filed Vakalatnama in the department vide filing No. A-12659 dated 12th July, 2022. The department is directed to tag the same with the records.

The petitioner is aggrieved by the inaction on the part of the Diamond Harbour Municipality to consider her application for sanction of the 1st floor in the premises in respect of the existing residential building standing on Dag No.324, Khatian No.-61, J.L. No. 144, Mouza-Ramchandrapur, P.S.-Diamond Harbour, District-South 24-Parganas.

The application for sanction was made in September 2021. The same is yet to be considered by the Municipality.

Learned advocate appearing for the Municipality submits that there has been gross suppression of material facts by the petitioner.

The co-owners of the property in question have not been impleaded as parties.

There is a civil suit pending in between the parties and order of injunction has been passed in the pending suit.

It has further been submitted that previously the Administrator was in control of the Municipality and presently the Chairman has taken over charge.

After hearing the submissions made on behalf of the parties, the instant writ petition is disposed of by directing the Chairman, Diamond Harbour Municipality to take into consideration the application filed by the petitioner for grant of sanction of the first floor of the premises in question strictly in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties, at the earliest but positively within a period of sixty days from the date of communication of a copy of this order.

The Chairman shall intimate the petitioner all the formalities or the documents that the petitioner is to submit for the purpose of obtaining sanction of the said plan.

The Chairman of the Municipality shall communicate the petitioner the fate of her application immediately thereafter.

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.)