

ML 147
19.07.2022
d.p.

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

W.P.A. 8670 of 2021

**Dilip Nag
-versus
The State of West Bengal & Ors.**

**Mr. Kuntal Banerjee.
...For the Petitioner.**

**Mr. Tarun Kumar Ghosh,
Ms. Debarati Sen Bose.
...For the State.**

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

None appears on behalf of the Asansol Municipal Corporation in spite of service.

The petitioner claims to be the owner and possessor of the holding No.A/1, English Quarter and he claims to be running a shop in the said holding after getting necessary permission from the concerned departments.

The property in question is under the jurisdiction of the Asansol Municipal Corporation.

The petitioner applied before the Asansol Municipal Corporation praying for permission for repairing the shop room which got dilapidated.

It appears from the documents annexed to the writ petition that the Sub-Assistant Engineer, Asansol Municipal Corporation issued notices in favour of the petitioner to appear for hearing in February 2020 and March 2020.

Learned advocate appearing for the petitioner submits that his client was duly represented in the hearing.

The petitioner alleges that the fate of the hearing has not been intimated to the petitioner till date.

As it appears that the petitioner was given a notice of hearing way back in February 2020, it is incumbent that the Asansol Municipal Corporation intimates the fate of the hearing to the petitioner. The same has not been done till date.

In view of the above, the instant writ petition is disposed of by directing the respondent No.6 being the Sub-Assistant Engineer, Asansol Municipal Corporation to intimate the petitioner the fate of the hearing with regard to his prayer for repairing the shop room standing at the aforesaid plot of land, at the earliest, but positively within a period of four weeks from the date communication of a copy of this order.

If required, the Sub-Assistant Engineer, Asansol Municipal Corporation shall make a spot inspection and conduct fresh hearing upon giving prior notice to all the necessary parties and thereafter take a decision and intimate the same to the parties immediately thereafter.

The petitioner is directed to forward a copy of the representation seeking permission to repair and a copy of the hearing notices dated on 26th February, 2020 and 3rd March, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

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.)