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22.07.2022
d.p.

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

W.P.A 6715 of 2019

**Kamini Bala Bar
-versus
Maheshtala Municipality & Ors.**

**Mr. Nirmalya Kumar Das,
Mr. Jahangir Hossain.
...For the Petitioner.**

**Mr. Brotindro Mullick,
Ms. Sudipa Bera.
...For CESC.**

Supplementary affidavit filed in Court today is taken on record.

None appears on behalf of the Maheshtala Municipality in spite of service.

The petitioner claims to be the sole and absolute owner of the land along with the structure lying and situated at Mouza-Gopalpur, under Khatian No. 921 in Dag Nos. 2092, 2093, 2094, 2095, 2098, 2099, 2100 and 2101 under J.L. No. 1, Touzi Nos. 386, R.S. No. 83, Parganas – Balia, within Maheshtala Municipality, District- 24 Parganas (South), which was acquired through inheritance after the demise of her parent Krishna Chandra Mondal and Basmoni Mondal.

According to the petitioner, the Maheshtala Municipality demolished the structure standing on the

aforesaid premises without giving any notice to the petitioner.

The petitioner further submits that the materials of the said structure after demolition have been taken away by the Municipality.

Despite directions the affidavit-in-opposition by Maheshtala Municipality has not been filed in Court.

A copy of the opposition to be relied upon by the Municipality has, however, been served on the learned advocate for the petitioner and the petitioner has filed the affidavit-in-reply to the said affidavit-in-opposition.

It appears from the submissions made on behalf of the petitioner that prior to moving the present writ petition, the petitioner did not file any representation before the Municipality highlighting her grievances. The demolition in question has been effected long back.

The petitioner claims compensation on account of such illegal and unauthorized demolition conducted without serving any notice.

As the Municipality remains unrepresented, the matter cannot be decided effectively by the Court.

In view of the above, leave is granted to the petitioner to file appropriate application before the Maheshtala Municipality along with all supporting documents of her claim and highlighting her grievances.

In the event such a representation is made, the same shall be considered by the Chairman of

Maheshtala Municipality strictly in accordance with law, at the earliest, but positively within a period of eight weeks from the date of submitting the representation.

The Chairman of the Maheshtala Municipality shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

If it transpires that the demolition was conducted without giving any prior intimation to the petitioner, then the Municipality shall consider the prayer for grant of compensation to the petitioner in accordance with law.

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.)