

Item No. 13

25.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 9008 of 2021

Nasirul Haque

v.

The State of West Bengal & Ors.
with
CAN 1 of 2022

Mr. Uttiya Ray
Mr. Arnab Mandal
... for the petitioner.

Ms. Sudipa Roy
Mr. Srinath Sinha Roy
... for the State.

Mr. Subhasis Bandopadhyay
... for the Municipality.

The petitioner alleges that the private respondent has sunk submersible pump over the land of the petitioner without obtaining any permission from the Municipality.

The petitioner further complains that the private respondent has made construction by obtaining sanction plan upon material mis-representation and fraud. The construction that has been made is also in deviation of the plan that has been sanctioned by the Municipality.

None appears on behalf of the private respondent despite service. Copy of the notice of intimation given by

the learned advocate for the petitioner to the learned advocate appearing on behalf of the respondent no. 5 is taken on record.

The representation filed by the petitioner before the Burdwan Municipality in February 2021 is pending consideration.

The competent authority of the Burdwan Municipality is directed to consider and dispose of the representation filed by the petitioner in February 2021 strictly in accordance with law and after giving reasonable opportunity of hearing to the petitioner as well as the private respondent and to pass a reasoned order and communicate the same to the parties immediately thereafter.

If required, the representatives of the Municipality shall cause a spot inspection to ascertain whether the allegations made by the petitioner are correct or not.

The Municipality shall consider the representation at the earliest but positively within a period of eight weeks from the date of communication of a copy of this order.

The petitioner is directed to forward to the aforesaid respondent a copy of the representation received by the Municipality on February 26, 2021 at the time of communicating the order of this Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)