

Item No. 30

21.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8575 of 2022

Krishna Saha
v.
The State of West Bengal & Ors.

Mr. Manojit Bhattacharya
... for the petitioner.

Mr. Narayan Bhattacharya
Mr. Subrata Dasgupta
... for the State.

The petitioner alleges that Habra Municipality is encroaching the private land of the petitioner without any authority of law.

The petitioner made representation before the Chairman of Habra Municipality in November 2018 and alleges that the same has not been taken up for consideration till date.

The learned advocate representing the Habra Municipality is yet to receive instruction in the matter.

In the absence of proper instruction from the Municipality this Court is not in a position to decide the issue conclusively.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 3 to take a decision with regard to the representation filed by the

petitioner in accordance with law after giving reasonable opportunity of hearing to the petitioner.

If it appears that the Municipality is holding /encroaching the private land of the petitioner, steps shall be taken by the Municipality to remove such encroachment.

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 aforesaid respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

Learned advocate for the petitioner is directed to forward a copy of the representation dated November 1, 2018 to the Chairman of the Habra Municipality at the time of communicating the order of this Court.

The writ petition stands disposed of.

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

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

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(Amrita Sinha, J.)