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17.11.2022
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A. 9632 of 2022
IA No. CAN 1 of 2022**

**Siddheswar Sarkar
-versus
The State of West Bengal & Ors.**

**Mr. Siddheswar Sarkar.
...Petitioner in person.**

**Ms. Mousumi Bhowal,
Mr Aman Gupta.
...For the Municipality.**

**Mr. Md. Sarwar Jahar,
Ms. Aditi Chatterjee,
Ms. Anushree Mondal.
...For the Respondent
Nos. 6 and 7.**

The petitioner appears in person and prays for recalling the order passed by this Court on 26th July, 2022.

On the aforesaid date, the petitioner was represented by the learned advocate.

The Court took into consideration the submission made on behalf of the petitioner and passed order directing the Municipality to consider the complaint filed by the petitioner alleging illegal and unauthorized construction at the instance of the private respondents.

The petitioner in the instant application has averred that at the time of hearing of the writ petition, the learned advocate did not say anything or did not show any pictures to the Court despite the same being made available to him.

According to the petitioner, the learned advocate did not mention the vital facts before the Court, and as such, the Court passed order without having a proper picture of his grievances.

The Court has heard the petitioner.

It appears that the Court already passed order directing the Municipality to consider the objection filed by the petitioner.

It was open for the petitioner to highlight his grievances before the Municipality and not accuse the learned advocate for not apprising the Court of the proper facts.

The Court being apprised of the fact that allegation has been made regarding unauthorized and illegal construction, passed order directing the Municipality to consider the objection filed by the petitioner. It is for the Municipality to decide the issues raised.

The Court fails to understand as to how the petitioner is aggrieved by the order or prejudiced by the direction passed. It appears that the petitioner has made reckless allegations against the learned advocate and is reeling under the misconception that the learned advocate did not point out the relevant details before the Court.

The Court is of the opinion that there is absolutely no merit in the application filed by the petitioner and accordingly, dismiss the same with costs assessed at Rs.3,000/- to be deposited by the petitioner in the office of the West Bengal State Legal Services Authority by 30th November, 2022.

The petitioner has been explained in Court that if the aforesaid amount of Rs.3,000/- is not deposited in the office of the West Bengal State Legal Services Authority by 30th November, 2022, the Municipality will not be obliged to comply with the direction passed by the Court, if the same has not been complied with in the meantime.

The application stands dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)