

Item No.11

09.06.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 9540 of 2019
Mahadeb Pal

v.

The State of West Bengal & Ors.

Mr. Anil Kumar Chattopadhyay
... for the petitioner.

Mr. Pinaki Dhole
... for the State.

None appears on behalf of either the Municipality
or the respondent nos. 5 & 6 despite service.

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

The affidavit-of-service shows that the private
respondent nos. 5 & 6 have refused to accept the copy of
the writ petitions, which were served upon them.

The grievance of the petitioner is that the plan
which was submitted by the petitioner in the
Municipality for sanction way back in the year 2016 has
not been considered till date.

The petitioner prays for a direction upon the
Municipality for consideration of the plan for sanction of
the building at the Holding No. 354, Ward No. 4, Mouza-
Ramjibanpur, J.L. No. 16. Plot/Dag No. 2563 and 2564
under the Ramjibanpur Municipality, Paschim
Medinipur.

The resolution dated January 31, 2017 signed by the Special Secretary and Appellate Authority of the Government of West Bengal, Urban Development and Municipal Affairs Department mentions that the plan submitted by the petitioner is in custody of the Chairman of the Municipality.

As it appears that the plan submitted by the petitioner seeking sanction is pending consideration at the end of the Municipality for a considerable period of time, accordingly, the instant writ petition is disposed of by directing the respondent no. 2 being the Chairman of the Ramjibanpur Municipality to take a decision with regard to the prayer of the petitioner for sanctioning the building plan submitted by the petitioner along with the water connection in the said premises strictly in accordance with law, at the earliest, but positively within a period of three months from the date of communication of a copy of this order.

The aforesaid authority shall afford a reasonable opportunity of hearing to the petitioner and all other necessary parties prior to taking a decision in the matter.

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

It is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the prayer of the petitioner.

The writ petition stands disposed of.

The unserved envelopes filed by the petitioner are 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.)