

7.
27-06-2022
debajyoti
(Ct. no.06)

MAT 901 of 2021
+
IA NO:CAN/1/2022

Dipanjana Dutta
Vs.
Midnapur Municipality & Ors.

Mr. Pingal Bhattacharyya
... For the Appellant.

Ms. Ahana Sikdar,
Ms. Barshana Shrestha
... For Midnapur Municipality.

Mr. Nilanjan Bhattacharjee,
Mr. Sanjoy Karar
... For Respondent No.4.

By consent of the parties, the appeal and the application are taken up together for hearing.

This appeal is directed against an order dated August 05, 2021 passed in WPA 11584 of 2021, whereby the learned Single Judge refused to pass any interim order and directed exchange of affidavits.

In view of the fact that the impugned order was passed almost ten months ago and was interim in nature, we were not inclined to entertain this appeal. However, learned advocate for the writ petitioner/appellant says that his client will be happy if the representation that he has made to the Midnapore Municipality is considered and disposed of in accordance with law and in that event, the writ petition may also stand disposed of. We do not find such request to be unreasonable.

We find that the writ petitioner, through his learned advocate, had made a representation dated March 22, 2021, to the Chairman, Board of

Administrator, Midnapore Municipality, alleging that the private respondent has obtained the concerned sanctioned plan illegally. Let such representation be disposed of by the Chairman, Midnapore Municipality, who is the respondent no.2 herein, in accordance with law, by a reasoned order, after giving an opportunity of hearing to the writ petitioner as also the private respondent and any other party, who, according to the respondent no.2, should be heard.

There will be a meeting in the office of the Chairman, Midnapore Municipality on July 18, 2022 at 12-00 noon, when the writ petitioner and the private respondent should attend and make their submission. If the respondent no.2 thinks that further hearing may be necessary, the respondent no.2 will be entitled to fix other dates. However, the entire process must be completed and the matter should be disposed of by him by August 10, 2022. It is made clear that on the date fixed by us or any other date that the respondent no.2 may fix for hearing, if the writ petitioner does not attend, the respondent no.2 shall be at liberty to reject the representation made by the writ petitioner. In the event, the respondent no.2 finds that there is merit in the complaint of the writ petitioner, the respondent no.2 shall take appropriate steps. Similarly, if the respondent no.2 finds the complaint to be frivolous and motivated, he will not only reject the representation, but shall apprise the Registrar General of this Court of the same who will bring that to our notice for appropriate orders being passed.

Only the parties will be entitled to appear before the respondent no.2 and no advocates or any other representative will be permitted.

The appeal, the connected application and the writ petition are, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Rai Chattopadhyay, J.) (Arijit Banerjee, J.)