

Item No. 44

27.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 14107 of 2022
Sukdev Halder

v.

The Haldia Municipality & Ors.

Mr. Rajdip Roy
Mr. Goutam Dinda
Mr. Sandip Roy
... for the petitioner.

Mr. S. M. Hassan
Ms. Anupama Yasmin
... for the Haldia Municipality.

The petitioner is aggrieved by the order dated February 17, 2022 passed by the Executive Engineer, Haldia Municipality allegedly in compliance of the direction passed by the Court on September 23, 2021 in WPA 5671 of 2021.

By the said order the Court disposed of the writ petition with a direction upon the competent authority of the Haldia Municipality to make an inspection in presence of both the parties and to ascertain whether there is any deviation from the plan. The Court directed the Municipality to hand over a copy of the report to the parties.

On the basis of the inspection report a reasoned order was directed to be passed.

It appears from the order sheets dated December 14, 2021 that the Executive Engineer of the Municipality

directed the Sub-Assistant Engineer to hold a spot enquiry in presence of both the parties and submit a report.

The final order passed on February 17, 2022 does not mention as to whether the report of spot inspection was forwarded to the parties.

Learned advocate for the petitioner submits before this Court that the matter was disposed of without forwarding the inspection report to the petitioner.

Learned advocate for the Municipality submits that copy of the report has not been forwarded to the petitioner.

The impugned order appears to have been passed relying upon the inspection report which has not been forwarded to the petitioner. The same is not in accordance with the direction passed by this Court.

In view of the above, the impugned order dated February 17, 2022 is set aside and quashed.

The Executive Officer of the Haldia Municipality is directed to forward the inspection report to both the parties. A further opportunity of hearing shall be afforded to the parties to put forth their objection in connection with the inspection report.

After taking into consideration the objections filed to the inspection report, a final order shall be passed.

The inspection report shall be forwarded by October 14, 2022. An opportunity of hearing be given and reasoned order be passed within a period of eight weeks after supplying the inspection report to the parties.

The writ petition stands disposed of.

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

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

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(Amrita Sinha, J.)