

Item No. 318

11.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17134 of 2021
Sri Samarpan Kabiraj & Anr.
v.
The State of West Bengal & Ors.
with
CAN 1 of 2022

Mr. Amit Kumar Ghosh
... for the petitioners.

Mr. Bijan Bihari Roy
Mr. Urfan Ali Mandal
... for the respondent nos. 4 & 5.

Mr. Raja Saha
Mr. S.P. Lahiri
... for the State.

CAN 1 of 2022

The petitioner prays for recalling the order dated June 7, 2022 dismissing the writ petition for default.

I have perused the said application and am satisfied with the grounds mentioned therein for non-appearance of the learned advocate of the petitioner on the date the matter was taken up for consideration by the Court.

In view of the above, the order dated June 7, 2022 stands recalled. The writ petition is restored to its original file and number.

The application stands disposed of.

WPA 17134 of 2021

The petitioner prays for a direction upon the Dubrajpur Municipality to communicate the order/decision taken by the

Municipality in compliance of the direction passed by this Court on January 17, 2018 in WP No. 7698(W) of 2017 (Tarun Kumar Kabiraj & Anr. v. State of West Bengal & Ors.).

The petitioner submits that at the time when the matter was considered by the Municipality the same was being looked after by his father who has since expired in May 2019. The petitioner does not have a copy of the order that was passed by the Municipality in compliance of the order passed by this Court.

The petitioner has filed a representation before the Municipality praying for supplying the copy of the order. The order is yet to be supplied to the petitioner.

Learned advocate representing the private respondents submits that the Municipality dealt with the matter in compliance of the order passed by the Court and a final order has been passed.

It has been submitted that there is no proceeding pending before the Municipality at present.

In view of the aforesaid submissions, the Chairman of the Municipality is directed to communicate the petitioner the order passed by the Municipality in compliance of the direction passed by the Court on January 17, 2018.

The aforesaid communication shall be supplied to the petitioner within a period of four weeks from the date of communication of a copy of this order.

The learned advocate for the petitioner is directed to forward the Municipality the copy of the order dated January 17, 2018 and the copy of the notice of hearing issued by the Municipality and the application made for obtaining the copy

of the order passed by the Municipality to the Chairman of the Municipality at the time of communicating this order.

The writ petition stands disposed of.

Leave granted to the learned advocate-on-record of the petitioner to implead the Chairman of the Municipality as party respondent in the instant writ application.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

Sh

(Amrita Sinha, J.)