

Item No. 18

12.12.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 15563 of 2019
Subrata Chowdhury

v.

The State of West Bengal & Ors.

Mr. Debabrata Sen
Mr. Arun Kumar Das
... for the petitioner.

Mr. Ziaul Islam
... for the State.

Being aggrieved by the notice dated November 1, 2018 and further direction upon the petitioner not to carry on the construction work, the petitioner, through the learned advocate, filed representation before the Municipality on July 9, 2019. The petitioner complains that the same has not been taken up for consideration till date.

There is no proof of service of the writ petition upon the Municipality.

As it appears that the representation filed by the petitioner is allegedly pending consideration before the Municipality, accordingly, the present writ petition is disposed of by directing the Habra Municipality to take steps to consider and dispose of the representation filed on behalf of the petitioner on July 9, 2019, if not disposed of earlier, in accordance with law at the earliest but positively within a period of eight weeks from the date of communication of a copy of this order. An opportunity of hearing shall be afforded to the petitioner prior to passing a final order in the matter.

Reasoned order shall be passed and communicated to the petitioner immediately thereafter.

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

Learned advocate for the petitioner is directed to forward copy of the representation made by the learned advocate on July 9, 2019 along with all documents in support of the claim of the petitioner to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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.)