

Sl. No.15
31.10.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17804 of 2022

Sri Krishnasis Maity
v.
Midnapur Municipality & Ors.

Mr. Indranath Mitra
Mr. Pingal Bhattacharyya
Mr. Soumitra Ghosh

... for the petitioner

Mr. Sanjay Bandyopadhyay
Mr. Jagajyoti Das

... for the Midnapore Municipality

Mr. Rabindranath Mahato
Mr. Aritra Shankar Ray

... for the respondent No.5

Learned advocate representing the respondent no.5
has filed his Vakalatnama in the department being filing
No.A-15331 dated 16.08.2022.

The department is directed to tag the Vakalatnama
with the records of the present case.

The petitioner challenges the act of the Midnapore
Municipality in sanctioning building plan for making
construction in violation of the statutory rules and the
Government order. The representation filed on behalf of
the petitioner before the Midnapore Municipality is yet to
be considered.

Learned advocate representing the person at whose
instance the alleged construction is being made submits

that construction of G+6 storied building is complete and only plastering work is left to be done.

As it appears that the representation filed on behalf of the petitioner is pending consideration at the end of the Municipality, accordingly, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Midnapore Municipality to take a decision with regard to the representation filed on behalf of the petitioner on 30th June, 2022 strictly in accordance with law after giving reasonable opportunity of hearing to the petitioner as well as the respondent no.5 and any other necessary party.

A decision shall be taken at the earliest but positively within a period of eight weeks from the date of communication of this order.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

The private respondent will be at risk if any agreement/deed of conveyance/transfer of any part of the property is made and the Municipality comes to a finding that the sanction was granted contrary to the statutory rules and the prevailing Government Order.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)