

List dt.6.6.22
Item No. 125
13.06.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 17562 of 2019

**Debabrata Bose & Anr.
-versus
South Dum Dum Municipality & Ors.**

**Ms. Hashnuhana Chakraborty,
Ms. Neelina Chatterjee,
Mr. Suvodeep Chakraborty.
...For the Petitioners.**

**Mr. Amales Roy,
Ms. Mousumi Bhowal,
Mr. A. Gupta.
...For the Municipality.**

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

The petitioners allege illegal car parking in front of the premises No. 333, Jessore Road, Kolkata-700089 presently renumbered as 333/A/1, 333E, 333L, 333F, 333J, 333G, 333/M/2, 333/C, 333/I, 333B, Jessore Road, Kolkata-700089.

It is the specific submission of the petitioners that the space in front of the aforesaid premises is a public premises and the street in front of the aforesaid premises is being illegally used for car parking upon payment of charges.

The petitioners' representation against such illegal car parking filed on 23rd July, 2018 and the subsequent reminder dated 19th March, 2019 have not been considered by the respondent authorities till date.

It appears that none of the representations have been addressed to the Municipality.

Learned advocate appearing for the Municipality does not have any instruction in the matter.

As it appears that the representation filed by the petitioners alleging illegal car parking is pending consideration at the end of the South Dum Dum Municipality for a considerable period of time, accordingly, the instant writ petition is disposed of by directing the respondent no. 2 being the Chairman, South Dum Dum Municipality to consider and decide the representations filed by the petitioners strictly in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties at the earliest, but positively within a period of three months from the date of communication of a copy of this order.

The aforesaid respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representations of the petitioners.

The petitioners are directed to forward a copy of his representations dated 23rd July, 2018 and 19th March, 2019 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.

(Amrita Sinha, J.)