

Sl. No.26
21.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 20438 of 2021

Faizul Haque & Ors.
Versus
The State of West Bengal & Ors.

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal

... for the petitioner

Mr. Kamalendu Ghose
Mr. Raja Ghosh

... for the State

Ms. Ujjaini Chatterjee
Mr. Akash Ganguly

... for the respondent nos.5 to 7

The petitioner alleges that the Dhulian Municipality is utilising private land of the petitioners without resorting to the provision of law.

The petitioners filed a representation before the Municipality in December, 2021 and alleges that the same has not been taken up for consideration till date.

Learned advocate representing the Municipality is yet to receive any instruction from the Municipality.

As it appears that the representation filed by the petitioners is pending consideration at the end of the Municipality, accordingly, the writ petition is disposed of by directing the respondent no.5 to take a decision with regard to the representation filed on behalf of the

petitioners in December, 2021 in accordance with law after giving reasonable opportunity of hearing to the petitioners and all other necessary parties.

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

A decision shall be taken after a spot inspection is conducted by the Municipality to ascertain as to whether the private land of the petitioners is being utilised by the Municipality without giving necessary compensation for the same.

The Municipality shall take a decision in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate for the petitioners is directed to forward a copy of the representation dated 7th December, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

Affidavit of service filed in Court is taken on records.

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.)