

Sl. No.87
31.10.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 19787 of 2022

Nirmalendu Das
v.
State of West Bengal & Ors.

Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar

... for the petitioner

Mr. Rabindranath Mahato
Mr. Aritra Shankar Ray

... for the respondent no.7

Mr. Sujoy Bandyopadhyay
Mr. Jagajyoti Das

... for the Midnapore Municipality

The petitioner alleges that the complaint filed by the petitioner alleging illegal and unauthorised construction at the instance of the respondent no.7 has not been considered by the Midnapore Municipality.

Learned advocate representing the private respondent denies the allegation of unauthorised construction. It has been submitted that no construction was being carried on at the instance of the private respondent.

It has been submitted that the present writ petition is a counter blast of the action taken by the Municipality in response to the complaint lodged by the respondent no.7 against the petitioner.

Learned advocate for the Municipality is yet to receive any instruction in the matter.

Accordingly, the instant writ petition is disposed of directing the Midnapore Municipality, being the respondent no.2 to take steps to consider and dispose of the representation which was filed on behalf of the petitioner on 9th March, 2021 in accordance with law, at the earliest, after giving reasonable opportunity of hearing to the petitioner and all other necessary parties.

The aforesaid respondent shall pass a reasoned order upon consideration of the representation positively within a period of three months from the date of communication of this order and communicate the same to all the parties immediately thereafter.

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

Learned advocate for the petitioner is directed to forward a copy of the representation dated 9th March, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

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.)