

Item No. 12

26.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 21901 of 2022
Samir Bhattacharya & Anr.

v.
Bidhannagar Municipal Corporation & Ors.

Mr. Srijib Chakraborty
Mr. Aditya Mondal
... for the petitioners.

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
Mr. Tirthankar Dey
... for BMC.

Being aggrieved by the notice dated March 15, 2022 issued by the Commissioner, Bidhannagar Municipal Corporation, the petitioner filed a representation on August 30, 2022. The said representation is yet to be considered and disposed of.

The petitioners submit that the notice dated March 15, 2022 is absolutely illegal and not maintainable in the eye of law.

Without going into the issue as to whether the said notice has been issued in accordance with the law or not, the present writ petition is disposed of by directing the Commissioner, Bidhannagar Municipal Corporation to consider the representation filed on behalf of the petitioners on August 30, 2022 strictly 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.

The said respondent shall afford an opportunity of hearing to the petitioner prior to passing an order in the matter. The petitioner will be entitled to rely upon all documents including judgments in his favour at the time of hearing.

It will be open for the petitioner to agitate all issues including the legal issues before the Commissioner for taking a decision in the matter.

The Commissioner shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

It is made clear that this Court has not entered into the merits of the impugned notice dated March 15, 2022 and all points are left open to be decided by the Commissioner at the time of consideration of the representation of the petitioner.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)