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01.12.2022
d.p.

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

W.P.A. 24867 of 2022

**Smt. Tara Rani Das
-versus
The State of West Bengal & Ors.**

**Mr. Satyajit Mondal,
Mr. Amarnath Sen,
Mr. Amit Bikram Mahata.
...For the Petitioner.**

**Mr. Susanta Pal,
Mr. Ananda Dulal Sarkar.
...For the State.**

**Mr. Shyama Prasad Purkait.
...For the Respondent
Nos.6, 7 and 8.**

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

Objection filed by the petitioner challenging the action of the Municipality to construct drain over her private land is pending consideration.

Learned advocate appearing for the Diamond Harbour Municipality submits that as on date apart from a mere proposal for construction of the drain for clearing the sewerage water of the area, no steps have been taken for construction.

It has been submitted that the private land of the petitioner will not be used for the purpose of

construction of the drain. Measurement work is yet to begin and the proposal has not been finalized till date.

The quantum of land owned and possessed by the petitioner is denied and disputed by the Municipality.

As it appears from the submissions made on behalf of both the parties that as on date the proposal for construction of the drain is yet to be finalized, accordingly, the instant writ petition is disposed of by directing the Diamond Harbour Municipality to take into consideration the representation filed by the petitioner on 21st October, 2022 prior to finalising the proposal for construction of the public drain.

A reasoned order shall be passed upon giving opportunity of hearing to the petitioner and the same shall be communicated to the petitioner immediately thereafter.

The petitioner is directed to forward a copy of the representation dated 21st October, 2022 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.)