

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

21
15.06.2022
Ct. No.2
b.das

**Bir Bahadur Blon
Vs.
Kalimpong Municipality & Ors.**

WPA 631 of 2022

Mr. Anand Bhandari
Mr. U. Lama
Mr. P. Rai
Mr. M. Bhandari
...for the petitioner.
Mr. Hirak Barman
Mr. Pretom Das ...for the State.

Affidavit of service filed on behalf of the petitioner
is taken on record.

None appears for the Kalimpong Municipality
despite service.

The primary grievance of the petitioner is non-
compliance of the order passed by the co-ordinate Bench
of this Court on 18th September, 2020 in WPA
6802/2020 by the Municipality.

The operative portion of the order is set out:

“The Municipal authorities are directed to complete the enquiry as to the legality of the construction, alleged by the petitioner to be illegal, within a period of six months from date after giving reasonable opportunity to the petitioner and the private respondent to represent their case. The Municipal authorities shall be free to decide as to the manner of hearing owing to the present pandemic situation but shall adhere to overall compliance of the principles of natural justice.

The Municipal authorities and the respondent No.4 shall see that there is no occasion of breach of peace during this pandemic

situation concerning the alleged illegal construction.”

There is nothing on record which suggests that the said order has been complied with.

In view of the above, the Chairman/Administrator, Kalimpong Municipality is directed to comply with the said order within one month from the date of communication of this order peremptorily.

Nothing further remains to be adjudicated in the present writ petition.

Accordingly, the writ petition being WPA 631 of 2022 is disposed of.

However, there shall be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)