

Sl No.87
10.03.2022.
Ct No. 2

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction
(Via Video Conference)**

WPA 650 of 2022

Sri Rajeshwar Prasad & Anr.

-versus

Siliguri Municipal Corporation & Ors.

Mr. Joyjit Choudhury
Mr. Sarbojit Chowdhury
Mr. Ajay Singhol
... for the petitioners.

Mr. Soumya Dasgupta
Mr. Bijay Kikram Das
... for the respondent nos. 1 to 4.

The petitioners are aggrieved by the final notice issued under Section 266 of the West Bengal Municipal Corporation Act, 2006.

According to Section 266(3) of the aforesaid Act any person aggrieved by an order of the Commissioner under sub-Section (1) may, within thirty days from the date of the order, preferred an appeal against such order to the Mayor.

The petitioners have given representation to the Commissioner on March 5, 2022 with a copy forwarded to the Mayor of the Corporation.

The Mayor, Siliguri Municipal Corporation is directed to consider the representation by treating the same as an appeal, strictly in accordance with law, at the earliest.

The Mayor shall give a reasonable opportunity of hearing to the petitioners to produce documents in support of the construction which has been alleged to be constructed illegally without any sanctioned plan.

The Mayor shall pass a reasoned order and communicate the same to the petitioners immediately thereafter.

Till a decision is taken by the Mayor, no further steps will be taken pursuant to the impugned final notice dated March 3, 2022.

The petitioners are directed to forward a copy of the representation dated March 5, 2022 to the Mayor at the time of communicating the order of this Court.

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.)