

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

29.11.2022
Sl. No.63(DL)
srm

W.P.A. No. 2517 of 2022

Sushil Maheshwari (Mundra)

Versus

The State of West Bengal & Ors.

Mr. Deborshi Dhar

...for the Petitioner.

Mr. Hirak Barman,
Mr. Momenur Rahman

...for the State-respondents.

Mr. Bikramaditya Ghosh

...for the Alipurduar Municipality.

Mr. Arnab Saha,
Mr. Abhimanyu Banerjee,
Mr. Sudhindra Das

...for the Respondent No.8.

The petitioner had filed a complaint before the Alipurduar Municipality dated June 1, 2021. The allegation was that the respondent No.8 had raised certain unauthorized constructions. As no steps were taken by the authority, the petitioner approached this Court by filing a writ petition being WPA No.1183 of 2021. The said writ petition was disposed of by an order dated December 15, 2021 with a direction upon the Chairman, Alipurduar

Municipality to dispose of the complaint lodged by the petitioner in accordance with law.

The submissions of the learned Advocate for the respondent No.8 had been recorded in the said order. It was contended that the construction was in accordance with the plan and the authority upon being satisfied that the construction had been made legally and without any irregularities had issued the completion certificate.

Learned Advocate for the municipality submits that on repeated occasions the petitioner failed to comply with the notice issued by the Chairman, Alipurduar Municipality.

There is already a direction upon the Chairman, Alipurduar Municipality to dispose of the complaint of the petitioner dated June 1, 2021 in accordance with law upon granting an opportunity of hearing to all the parties and reach the proceedings to its logical conclusion in accordance with law. The said direction must be completed by the authority. Although the Chairman of the Alipurduar Municipality did call the petitioner for hearing, the petitioner did not attend the same on two occasions. The petitioner explains that he was unable to attend the hearing due to the intervening pandemic situation.

Without going into the merits of the claims of the parties, this Court directs that the Chairman, Alipurduar Municipality must comply with the direction already passed by the order dated December 15, 2021 within a period of eight weeks from the date of communication of this order.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)