

ML 248
01.02.2023
d.p.

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

W.P.A 303 of 2022

**Rabijit Das
-versus
The State of West Bengal & Ors.**

**Mr. Sudip Kushari.
...For the Petitioner.**

**Mr. Rajendra Chaturvedi.
...For the Municipality.**

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

None appears on behalf of the respondent No.3 in spite of service.

Leave is granted to the learned advocate appearing for the petitioner to implead Rishra Municipality as party respondent.

The formality of serving a copy of the writ petition upon the added respondent stands dispensed with as the Municipality is already represented by the learned advocate.

The petitioner complains that the respondent No.3 has made construction without leaving the mandatory side open spaces.

Objection filed by the petitioner before the Municipality is pending consideration till date.

On a perusal of the said representation, it appears that the details of the illegal construction are not clearly mentioned.

In view of the above, the instant writ petition is disposed of by granting liberty to the petitioner to file comprehensive representation before the Municipality highlighting the illegalities committed by the private respondent at the time of making construction.

In the event such a representation is made, the same shall be taken into consideration by the Municipality in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties and a reasoned order shall be passed and communicated to the parties.

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.)