

04.04.2023
Item No. 19
Court No. 24
AGM

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

WPA 1071 of 2023

**Sri Soumendra Nath Kar
Vs
The State of West Bengal & Ors.**

**Mr. Saptarshi Kumar Kundu
... For the Petitioner.**

**Mr. Sounak Bhattacharya
Mr. Sounak Mondal
... For the respondent No. 2 and 3.**

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

The petitioner complains of non-consideration of the representation filed by him before the Chairman, Birnagar Municipality.

The petitioner has requested the Municipality to remove the illegal stalls that have been set up by blocking the access to the petitioner's property.

It has been alleged that the stalls have been set up over the public road.

Learned advocate representing the Municipality submits, upon instruction that, the place in question is a bazaar and temporary stalls for a very limited period of time is running from there. No permanent stall or structure has been constructed.

Without going into the issue as to whether any permanent structure has been constructed or not since it appears that the representation of the petitioner is pending consideration before the

Municipality, accordingly, the writ petition is disposed of by directing the Chairman of the Municipality to consider the same in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and to pass a reasoned order and communicate the same to the parties.

Steps shall be taken at the earliest but positively within a period of eight weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 13th September, 2022 to the aforesaid respondent at the time of communication of the order.

The Chairman shall cause a spot inspection prior to passing the final order.

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.)