

16
27.03.2023
d.p.

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

W.P.A 1037 of 2022

**Sanjoy Dhar
-versus
Barasat Municipality & Ors.**

**Mr. Kushal Chatterjee,
Mr. Subhasish Mitra,
Mr. Debabrata Roy,
Mr. Debrup Choudhury,
Mr. Shibjit Mitra.
...For the Petitioner.**

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

None appears on behalf of the Barasat Municipality.

The private respondents refused to accept service.

The petitioner prays for a direction upon the Barasat Municipality to consider the legal representation filed on behalf of the petitioner before the Municipality in December 2021.

The petitioner submits that a civil suit seeking declaration of rights in respect of the subject plot of land is pending consideration before the Learned Court below. The private parties have been impleaded as defendants in the said suit.

The petitioner apprehends that the private parties may obtain a sanctioned plan from the Municipality for raising construction over the subject plot of land by suppressing the fact of pendency of the civil suit.

In the absence of the respondents, it is not possible for the Court to decide the issue conclusively.

As the representation of the petitioner is pending consideration at the end of the Municipality, accordingly, the present writ petition is disposed of by directing the Barasat Municipality to take steps for consideration of the legal representation filed on behalf of the petitioner dated 6th December, 2021 annexed at page 160, P-8 of the writ petition strictly in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties and pass a reasoned order and communicate the same to the parties immediately thereafter.

A decision shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the legal representation dated 6th December, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

Leave is granted to the learned advocate-on-record of the petitioner to correct the description of the respondent no.2 in the cause title of the writ petition.

A copy of the unserved envelopes be retained with the records.

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.)