

18
06.02.2023
d.p.

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

W.P.A 2020 of 2021

**Smt. Nabanita Ghosh
-versus
The State of West Bengal & Ors.**

**Mr. Kajal Roy.
...For the Petitioner.**

**Mr. Biplab Ranjan Bose.
...For the Municipality.**

**Mr. Rajarshi Basu,
Mr. S.T. Mina.
...For the State.**

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

The petitioner claims to be the widow of one Samir Kumar Ghosh who was an employee of Bansberia Municipality. The said employee died-in-harness on 18th April, 2019.

When the employee was alive he filed a matrimonial suit for divorce against the petitioner. On account of the death of the employee, the said suit stood dismissed.

The Municipality on receipt of the claim of the petitioner requested her to submit a couple of documents. The petitioner claims that the documents were duly forwarded to the Municipality.

No steps have been taken by the Municipality upon receipt of the documents submitted by the petitioner.

Learned advocate appearing for the Municipality is yet to receive complete instruction from his client.

As it appears that the petitioner replied to the communication made by the Municipality and claims to have forwarded the necessary documents by her communication received by the Municipality on 3rd August, 2019, accordingly, the present writ petition is disposed of by directing the Chairman, Bansberia Municipality to consider and dispose of the application made by the petitioner on receipt of the notice from the Municipality 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 at the earliest.

Steps shall be taken in the matter positively within a period of eight weeks from the date of communication of a copy of this order.

If the Municipality is of the opinion that the petitioner will be entitled to the relief as claimed for, then necessary consequential steps shall be taken by the Municipality.

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

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.)