

Item No.35

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

11.04.2023
Ct-24

WPA 2500 of 2023
Sri Sanat Naskar & Ors.

v.

The Howrah Municipal Corporation & Ors.

Mr. Rahul Karmakar
Mr. Saurav Guchhait
Mr. Ujjal Pramanik
... for the petitioners.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumder
... for HMC

Mr. Rama Prasad Sarkar
Ms. Anita Deb Jana
... for the State.

The grievance of the petitioners is that the representation filed before the Howrah Municipal Corporation in January 2023 seeking removal of the garbage dustbin constructed in front of the petitioners' property at holding no. 30/2, C.T.I Road, Police Station-Dasnagar, District-Howrah, Howrah-711108 within Ward No. 50 of the Howrah Municipal Corporation has not been considered till date.

Learned advocate representing the Howrah Municipal Corporation is yet to receive instruction in the matter.

As it appears that the complaint of the petitioners is pending consideration before the Howrah Municipal

Corporation, accordingly, no useful purpose will be served by keeping the writ petition pending.

The writ petition is disposed of by directing the Commissioner, Howrah Municipal Corporation or his delegate to consider and dispose of the objection filed before the Howrah Municipal Corporation on January 4, 2023 in accordance with law after giving reasonable opportunity of hearing to all the necessary parties.

The respondent authority shall cause a spot inspection upon prior notice to all the parties to ascertain the allegation of the petitioners.

A final order shall be passed in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order.

Learned advocate for the petitioners is directed to forward a copy of the representation dated January 4, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

Report filed by the Officer-in-Charge, Dasnagar Police Station dated February 8, 2023 be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)