

Item No.359

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

30.08.2023
Ct-24

WPA 2963 of 2023
Sudipta Kumar

v.

The State of West Bengal & Ors.

Mr. Yashraj Roy
Mr. Subhadeep Chatterjee
Ms. Arpita Kundu
... for the petitioner.

Mr. Maloy Singh
Mr. Tapas Ballav Mandal
... for the State.

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

Mr. Alak Kumar Ghosh
Mr. Sankar Paul
Ms. Tapati Sarkar
... for the respondent no. 7.

The petitioner complains that though hearing was conducted on four occasions by the Howrah Municipal Corporation, final order has not been passed till date.

Learned advocate representing the private respondent submits, upon instruction that, presently the property in question falls within the jurisdiction of Bally Municipality. Bally Municipality passed final order in the matter.

Being aggrieved by the order passed by the Administrator of Bally Municipality on July 13, 2023, the private respondent preferred a suit before the

appellate authority being the learned Civil Judge (Jr. Division), 1st Court, Howrah.

The said proceeding being Other Appeal No. 07 of 2013 was taken up for consideration by the learned Court on August 9, 2023 and the learned Court below was pleased to stay the order dated July 13, 2023 passed by the Administrator, Bally Municipality being Memo No. BM/SPD/00007/1-15/Law/Admin/23-24 till September 8, 2023.

Learned advocate representing the Howrah Municipal Corporation admits that presently the property in question falls within the jurisdiction of Bally Municipality.

From the submissions made on behalf of all the parties and upon perusal of the documents before this Court it appears that the Bally Municipality concluded the proceeding and passed final order on July 13, 2023. An appeal has been preferred challenging the said order and the said proceeding is pending consideration before the learned Court below.

At this stage, there is no scope for interference in the present writ petition.

It will be open for the petitioner to take appropriate steps in the proceeding pending before the learned Court below.

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.

Sh

(Amrita Sinha, J.)