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26.06.2023
AGM

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

W.P.A 5037 of 2023

**Sri Bhim Charan Maity
-versus
The State of West Bengal & Ors.**

**Mr. Mukteswar Maity
...For the Petitioner.**

**Mr. Lalit Mohan Mahata.
Mr. Rudranil De
...For the State.**

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

The allegation of the petitioner is that the municipality has forcefully constructed a high drain encroaching the private land of the petitioner. It has been submitted that valuable trees have also been felled for construction of the high drain.

No notice of acquisition was served upon the petitioner and no compensation has been paid for encroaching the private land of the petitioner.

Objection filed by the petitioner before the Chairman of the Municipality is pending consideration till date.

None appears on behalf of the Contai Municipality.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the

respondent authorities, no useful purpose will be served by keeping the writ petition pending.

As the petitioner has made specific complaint that the Municipality has encroached the private land of the petitioner and felled valuable trees, accordingly, the Board of Councillors of the municipality is directed to take a decision on the objection filed by the petitioner in accordance with law after giving a reasonable opportunity of hearing to the petitioner.

A spot inspection shall be conducted to ascertain as to whether any private land of the petitioner has been encroached upon by the municipality for construction of the public drain.

If it transpires that private land of the petitioner has been encroached and valuable trees brought down, then necessary steps shall be taken for acquisition and payment of adequate compensation to the petitioner.

The Board of Councillors of the Municipality shall ensure to conclude the proceeding at the earliest but positively within twelve weeks from the date of communication of this order.

The learned advocate for the petitioners is directed to forward a copy of the representation dated 3rd February, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

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.)