

19.04.2023
(S/L-22)
Ct.-24
(Susanta)

W.P.A. 6145 of 2023

Gour Saha & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Uttiya Ray,

Mr. Arnab Mandal,

.... For the Petitioners.

Mr. Niladri Sekhar Ghosh,

Ms. Sompurna Chatterjee,

Mr. Sourov Mondol,

.... For the Respondent No.8.

Mr. Subhasis Bandopadhyay,

.... For the Municipality.

Ms. Sonal Sinha,

.... For the State.

The petitioners are aggrieved by the inaction on the part of the Burdwan Municipality to take steps for removal of the unauthorized encroachers on the public footpath just in front of their shop.

The petitioners also aggrieved by the act of the Municipality in placing iron grills in front of their shop room.

Representation has been filed by the petitioners before the Municipality. The petitioners pray for consideration of the same.

Learned Counsel representing the private respondents submits, upon instruction that, the said tea stall is the only means of survival of the

private respondents. It is a small shop and the same is running without causing any disturbance to the petitioners.

Learned Counsel for the Municipality submits that steps will be taken for consideration of the representation of the petitioners.

It appears that an application has been filed by the petitioners before the Municipality in February 2023 highlighting all grievances. The same has not been considered till date.

Accordingly, the instant writ petition is disposed of by directing the Burdwan Municipality to take steps to consider the representation filed by the petitioners in accordance with law after giving reasonable opportunity of hearing to all the necessary parties.

A reasoned order shall be passed at the earliest but positively within a period of twelve weeks from the date of communication of this order.

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

It is made clear that this Court has not entered into the merits of the claim of the

petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

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.)