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Ct 2023
No24
AGM

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 7430 of 2022

Shree Shree Satimata Thakurani
Vs
The State of West Bengal & Ors.

Mr. Nilanjan Adhikari ... For the petitioner.

Mr. Gautam Lahiri ... for the Municipality.

The order passed by the Board of Administrators, Serampore Municipality on 31st December, 2021 allegedly in compliance of the direction passed by this Court in WP 9694 (W) of 2019 is impugned in the present writ petition.

By the said order the Court directed the Municipality to consider and dispose of the representation filed by the petitioner after giving hearing to the parties.

The impugned order mentions that the Municipality failed to take a decision in the matter as the respondents did not appear in the hearing. The petitioner was suggested to approach the Court for relief.

Learned advocate for the Municipality submits that the petitioner failed to submit all necessary documents in support of his prayer for correction of the assessment register.

It appears from the impugned order that in view of the absence of the respondents the Municipality failed to take a decision in the matter and further suggested the petitioner to approach the Court for relief.

The Municipality ought to have appreciated that when the Court directed the Municipality to take a decision in the matter, it was the bounden duty of the Municipality to act in accordance with the Court's direction.

If any of the parties remain unrepresented in the hearing before the Municipality, despite liberty granted to him/to her, the respondents ought to take a decision on the basis of the documents available on record and documents produced before the authority at the time of hearing. The Municipality ought not to have advised the petitioner to approach the Court once again.

The private party, for reasons best known, not taken any steps to attend the hearing; the same does not imply that the Municipality will leave the matter undecided and advise the petitioner to approach the Court.

In view of the above, the impugned order dated 31st December, 2021 is set aside and quashed.

The Serampore Municipality is directed to take steps strictly in accordance with the direction passed by this Court on 4th November, 2019 in WP 9694 (W) of 2019.

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

A further opportunity of hearing be given to all the parties for production of the necessary documents.

If any of the parties fail to produce document(s) in support of their stand, the Municipality shall take a decision on the basis of the documents available before the authority.

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.)