

Item No.13

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

07.07.2023
Ct-24

WPA 8860 of 2023
Subhas Chandra Majhi & Anr.
v.
State of West Bengal & Ors.

Mr. Ranjan Kali
Mr. Suraj Bhattacharya
... for the petitioners.

Mr. Jahar Dutta
Mr. Bipin Ghosh
... for the State.

Mr. Avijit Dey
Mr. S. Dasgupta
... for the respondent nos. 4 & 5.

The petitioners allege illegal and unauthorized construction at the behest of the private respondents.

In response to the complaint lodged by the petitioners, the Bhatpara Municipality conducted a hearing upon notice to all the parties on March 24, 2023.

The learned advocates representing the respective parties submit, upon instruction that, the parties attended the hearing on the scheduled date.

None of the parties are aware of the outcome of the hearing.

None represents the Bhatpara Municipality despite service.

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

As the Municipality conducted a hearing, it is incumbent for the Municipality to intimate the fate of the hearing to the attending parties. The same has not been done.

In view of the above, the instant writ petition is disposed of by directing the Bhatpara Municipality to communicate the parties the fate of the hearing which took place on March 24, 2023 at the earliest but positively within a period of four weeks from the date of communication of a copy of this order.

In the event the Municipality is of the opinion that further hearing is required to be conducted for adjudication of the dispute, then steps shall be taken in the matter at the earliest.

Learned advocate for the petitioners is directed to forward a copy of the notice of hearing dated March 21, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

All consequential steps shall be taken by the Municipality in accordance with law.

Since the writ petition is disposed of without calling for any affidavits, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

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.