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12.07.2023
d.p.

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

W.P.A 8932 of 2023

**Sk. Kamruddin
-versus
The State of West Bengal & Ors.**

**Mr. Syed Shamsul Arefin,
Ms. Maniz Kulsum.
...For the Petitioner.**

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

None appears on behalf of the respondents in spite of service.

Leave is granted to the learned advocate-on-record for the petitioner to implead the Arambagh Municipality as party respondent in the present writ petition.

The petitioner is aggrieved by the act of Arambagh Municipality in sanctioning plan for raising construction over an unpartitioned plot of land.

Objection was filed by the petitioner before the Chairman, Arambagh Municipality followed by a notice demanding justice. None has been answered.

Learned advocate appearing for the petitioner submits that a part of the land is used as a public graveyard and it was not proper for the Arambagh

Municipality to sanction building plan over the said plot of land without granting opportunity of hearing to the other co-owners.

As the respondents are not represented, it is not possible for the Court to decide the issue conclusively.

As it appears that an objection was filed before the Municipality and the same is pending consideration till date, accordingly, the present writ petition is disposed of by directing the Arambagh Municipality to consider the objection filed by the petitioner in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties within a period of twelve weeks from the date of communication of a copy of this order and to pass a reasoned order and communicate the same to the parties immediately thereafter.

The aforesaid respondent is restrained from entering into deciding any private disputes regarding right, title and interest of the parties.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representations of the petitioner.

Learned advocate appearing for the petitioner is directed to forward a copy of the legal representation dated 7th April, 2022 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.)