

Item No. 86(ml)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

9.01.2023
Ct-24

WPA 15412 of 2021
Ganguly Home Search Pvt. Ltd.
v.
The State of West Bengal & Ors.

Mr. Devajyoti Barman
Ms. Sanjukta Basu Mallick
... for the petitioner.

Mr. Mir Anuruzzaman
... for the Municipality.

Mr. Mrinal Kanti Ghosh
Mr. Sounak Mondal
... for the respondent no. 4.

The petitioner is aggrieved by the communication dated September 1, 2021 made by the Executive Officer, Rajpur Sonarpur Municipality under Section 116(3) of the West Bengal Municipal Act, 1993.

The petitioner submits that a similar issue is pending consideration before the learned West Bengal Land Reforms and Tenancy Tribunal being OA 3023 of 2019 (LRTT). The petitioner submits that the learned Tribunal was pleased to pass an order of status quo in the said mater and accordingly any order passed by the Municipality will be contrary to the order passed by the Tribunal.

Learned advocate representing the Municipality submits, upon instruction, that a mere hearing notice has been issued to the petitioner to produce documents of a particular holding. No decision has yet been taken by the Municipality.

It has been submitted that the Municipality, not being a party before the learned Tribunal, is not aware of any order passed in respect of the subject premises.

Learned advocate representing the respondent no. 4 submits that the issue is pending consideration before the Tribunal as well as before the Rajpur Sonarpur Municipality.

In view of the above, the instant writ petition is disposed of by granting liberty to the petitioner to take steps pursuant to the notice issued under Section 116(3) of the West Bengal Municipal Act, 1993.

It will be open for the petitioner to rely upon all documents including the order passed by the Tribunal in respect of the subject premises.

If the petitioner applies before the Municipality along with all supporting documents within January 31, 2023, the Municipality shall consider the representation filed by the petitioner in accordance with law after giving a reasonable opportunity of hearing to the petitioner as well as the respondent no. 4 and pass necessary orders thereon within a period of twelve weeks from the date of filing of the representation. A reasoned order shall be passed and communicated to all the parties.

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.

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(Amrita Sinha, J.)