

Item No.3

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

13.02.2023
Ct-24

WPA 15725 of 2021
Dr. Bijoy Sidhanta & Ors.
v.
The State of West Bengal & Ors.

Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar
... for the petitioners.

Mr. Biswajit Mukherjee
Ms. Era Ghosh
... for KMC.

Mr. Susanta Pal
Mr. Prabir Kumar Ray
... for the State.

Mr. Rajarshi Basu
... for the private respondent.

The Assistant Engineer (C), Borough-XIII passed an order on August 26, 2021 allegedly in compliance of the direction passed by the Court on July 26, 2021 in WPA 8082 of 2020.

By order dated July 26, 2021 the Court directed the competent authority of the Corporation to dispose of the objection raised by the petitioners by treating the same as an objection under Section 397 of the Kolkata Municipal Corporation Act, 1980 and to decide the issue upon hearing the petitioners or their authorized representative and the private respondent or his authorized representative.

It has been submitted that the impugned order dated August 26, 2021 has been passed without affording any opportunity of hearing to the parties.

A report has been filed by the Kolkata Municipal Corporation wherefrom it appears that indeed the impugned order was passed without hearing the parties.

At this stage without entering into the merits of the impugned order, as it appears that the same had been passed without affording opportunity of hearing to the parties, accordingly, the same is set aside.

The competent authority of the Kolkata Municipal Corporation is directed to decide the issue strictly in terms of the order passed by the Court on July 26, 2021 in WPA 8082 of 2020.

The authority shall ensure that the objection is disposed of positively within a period of eight weeks from the date of communication of a copy of this order.

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.)