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11.01.2023
d.p.

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

W.P.A 17560 of 2022

**Jayanta Sen
-versus
The Panihati Municipality & Ors.**

**Mr. Anit Dey.
...For the State.**

**Mr. Navneet Misra.
...For the Respondent No.5.**

**Mr. Soumyajit Bhatta.
...For the Respondent
Nos. 1 to 4.**

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

The petitioner is aggrieved by the act of the Panihati Municipality in not taking steps to dispose of the application filed in August 2021 for obtaining certificate of enlistment.

Learned advocate appearing for the respondent No.5 submits that his client has been wrongly impleaded in the present writ petition. It has been submitted that his client is not the owner of the subject premises. The premises is a trust property and the trust has not been impleaded as party respondent.

Learned advocate appearing for the Panihati Municipality submits that the application of the petitioner was neither made in the prescribed format nor supported by relevant documents and accordingly,

for unavailability of the said documents, the application of the petitioner could not be considered.

It has been submitted that the documents which are to be submitted at the time of making application for obtaining certificate of enlistment is mentioned in the guidelines published by the Department of Municipal Affairs in the order dated 19th August, 2015.

In view of the above, the present writ petition is disposed of by granting liberty to the petitioner to make application in the prescribed format along with necessary documents as required under law.

If the same is submitted before the Municipality, the Municipality shall consider the application filed by the petitioner after giving a reasonable opportunity of hearing to all the necessary parties within a period of eight weeks from the date of making application in the prescribed format along with supporting documents.

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.)