

Court No. 24

WPA 19677 of 2023

12.12.2023

(AD 33)

(S. Banerjee)

Mohana Mini Market Progressive Byabsayee Samity
Vs.
Haldia Municipality & Ors.

Mr. Tarique Quasimuddin
Ms. Sanchita Chaudhuri
Mr. Rahul Kumar Mahato

... for the petitioner

Mr. S. M. Hassan
Ms. Anupama Yasmin

... for the Haldia Municipality

Mr. Rajkumar Sain

... for the respondent no. 4

Affidavit of service is taken on record.

The petitioner seeks consideration of the representation by the Haldia Municipality.

Learned advocate representing the private respondent submits that the Haldia Municipality does not have any jurisdiction to cancel the deed of lease. The dispute is of a civil nature and the municipality ought not to enter into the same.

It appears from the submissions made on behalf of the parties and upon perusal of the materials on record that the dispute arose out of two lease deeds executed by the Haldia Municipality. Whether the municipality has the jurisdiction to cancel the same, is

to be decided by the municipality itself. This Court will not be the appropriate authority in the matter to adjudicate the issue at this stage.

It appears that the representation filed by the petitioner is pending consideration before the municipality.

Accordingly, the writ petition is disposed of by directing the Executive Officer of the municipality to consider the representation in accordance with law after giving reasonable opportunity of hearing to the necessary parties. It will be open for the parties to raise all issues and rely upon all documents in support of their stand. The aforesaid officer shall pass a reasoned order at the earliest but positively within a period of eight weeks from the date of communication of this order and shall communicate the same to the parties.

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

Learned advocate for the petitioner is directed to forward a copy of the representation dated 18th July, 2023 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.)