

51
20.02.2023
d.p.

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

W.P.A. 21246 of 2022

**Aklima Begum
-versus
The State of West Bengal & Ors.**

**Mr. Swarup Banerjee,
Mr. Sajal Kumar Ghosh,
Mr. Manoj Kumar Bhattacharyya.
...For the Petitioner.**

**Mr. Amit Ranjan Pati,
Ms. Reshmi Mukherjee,
Mr. Ashok Halder,
Mr. Sunayan Ghosh.
...For the Private Respondents.**

**Mr. Sujay Bandyopadhyay,
Mr. Shambhu Mahato,
Mr. Jagajyoti Das.
...For the Municipality.**

**Mr. Sudipto Panda,
Ms. Munmun Tewary.
...For the State.**

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

The petitioner alleges that even though the order of demolition was passed by the Administrator, Medinipur Municipality on 25th February, 2020, the same cannot be implemented as provision of Section 218 of the West Bengal Municipal Act, 1993 have not been followed.

Learned advocate appearing for the Municipality admits that the provisions of Section 218 were not followed by the Administrator of the Municipality at the time of passing the order on 25th February, 2020.

As it appears that both the petitioner as well as the Municipality admits that the order was passed by the Administrator of Medinipur Municipality contrary to the provisions of Section 218 of the West Bengal Municipal Act, 1993, accordingly, the order of the Administrator, Medinipur Municipality is set aside.

The Board of Councillors of Medinipur Municipality is directed to reconsider the prayer of the petitioner afresh after affording reasonable opportunity of hearing to all the necessary parties.

A reasoned order shall be passed and communicated to the parties.

The entire exercise shall be conducted and concluded at the earliest, but positively within a period of twelve 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.

(Amrita Sinha, J.)