

Item No. 24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

16.01.2023
Ct-24

WPA 23661 of 2022
Nazimuddin Molla

v.

The State of West Bengal & Ors.

Mr. Debasis Sur
Mr. Himadri Shekhar Paul
... for the petitioner.

Mr. Mansoor Alam
... for the respondent no. 7.

The petitioner complains that the proceeding initiated by Maheshtala Municipality in response to the complaint lodged by the petitioner alleging unauthorized construction is yet to be disposed. From the documents annexed to the writ petition it appears that the Municipality directed the parties to appear for a hearing in August 2022.

It has been submitted by the learned advocate representing the petitioner and the learned advocate representing the respondent no. 7 that the hearing did not take place and the proceeding is yet to be completed.

Learned advocate representing the respondent no. 7 denies the allegation of unauthorized construction.

Be that as it may, as it appears that the Municipality already initiated proceeding in response to the complaint filed by the petitioner, accordingly it is incumbent that the Municipality disposes of the said proceeding in accordance with law.

In view of the above, the instant writ petition is disposed of by directing the Maheshtala Municipality to take steps for disposal of the proceeding initiated strictly in accordance with law, after giving reasonable opportunity of hearing to all the parties and pass a reasoned order and communicate the same to the parties.

The Municipality shall ensure that the proceeding is concluded at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

Learned advocate for the petitioner is directed to forward a copy of his objection along with the copy of the notice issued by the Maheshtala Municipality on July 12, 2022 and August 23, 2022 at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

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.)