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18.01.2023
d.p.

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

W.P.A 26743 of 2022

**Ashalata Mondal
-versus
The State of West Bengal & Ors.**

**Mr. Pradip Kumar Chakraborty,
Mr. Sabyasachi Mondal,
Mr. Sayan Mukherjee.
...For the Petitioner.**

**Mr. Shyamal Prasad Purkait,
Ms. Moumita Mondal.
...For the Municipality.**

**Ms. M. Maity
...For the Private Respondent.**

**Ms. Anwari Quraishi,
Ms. Zainab Tahur.
...For the State.**

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

The petitioner complains that the objection filed before the Municipality alleging unauthorized construction at the instance of the respondent No.6 is pending consideration.

Learned advocate appearing for the respondent no.6 denies the allegation of the petitioner. It has been submitted that the construction that has been raised

long ago in accordance with the plan sanctioned by the Panchayat.

As it appears that the objection filed before the Municipality is pending consideration, accordingly, the Board of Councillors of Diamond Harbour Municipality is directed to take steps for consideration of the objection dated 12th September, 2022, strictly in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties to produce documents in support of the construction made.

A site inspection may be conducted in the presence of all the parties to ascertain whether construction has been made in accordance with the sanctioned plan or not.

A reasoned order shall be passed by the Board of Councillors at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

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

The Municipality shall, however, not enter into or decide any private dispute of the parties.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)