

D/L
Item No. 4
10.01.2023
KOLE

**MAT 2020 of 2022
With
IA No. CAN 1 of 2022
With
IA No. CAN 2 of 2022**

**Partha Dan & Anr.
-Vs.-
The State of West Bengal & Ors.**

*Mr. M. P. Gupta,
Mr. Sourav Mukherjee,
Mr. D. K. Saha,*

...for the appellants.

Mr. Soumik Ganguli,

...for the respondent no. 2.

Affidavit of service filed in court today be kept with the records.

Despite service nobody appears for the private respondents.

By consent of the parties the appeal and the application are taken up for hearing together.

This appeal is directed against a judgment and order dated December 12, 2022, whereby the writ petition of the appellants being WPA 6005 of 2022 was disposed of.

The appellants had approached the learned Single Judge with the grievance that Bankura Municipality had issued a certificate of enlistment in favour of the private respondents relying upon documents which have been set aside by a Competent Civil Court in Title Suit No. 11 of 1958. The appellants submitted before the learned Judge that they had made a representation before the Municipality in February 22, 2022, but the same had not been considered.

The Learned Judge disposed of the writ petition by directing the Competent Officer of the Municipality to consider and dispose of the representation of the appellants dated February 22, 2022, in accordance with law, within a period of twelve weeks from the date of communication of the order, after giving a reasonable opportunity of hearing to all necessary parties. The Competent Officer shall dispose of the representation by recording a reasoned order.

The appellants say that twelve weeks is too long a period. Their only prayer is that the period should be abridged. Having heard learned Counsel for the parties, we modify the order under appeal only to the extent that the Competent Officer in the Bankura Municipality will dispose of the representation of the appellants in terms of the learned Single Judge's order within eight weeks from the date of communication of this order. The other portions of the order under appeal will remain unaltered.

Since we have not called for affidavits, the allegations made in the stay application are deemed not to be admitted by the respondents.

The appeal and the stay application are, accordingly, disposed of.

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

(Apurba Sinha Ray, J.) (Arijit Banerjee, J.)