

Sl No.20
27.02.2023.
SB-II

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction
(Via Video Conference)**

**WPA 248 of 2023
Rama Shankar Prasad
-versus
The State of West Bengal & Ors.**

Mr. Debabrata Karan
Mr. Sankha Suvra Roy
Mr. Debopriyo Karan
Mr. Debayan Goswami
... for the petitioner.

Mr. Subir Kumar Saha
Mr. Pretom Das
... for the State.

None appears on behalf of Mal Municipality despite service.

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

The grievance of the petitioner is that the Municipality is not releasing the balance payment of the final bill of Rs. 12,76,010/-.

According to the petitioner, part payment has been made in November and December 2017 but substantial amount of Rs. 9,24,186/- is still due and pending.

The petitioner filed representation seeking disbursement of the balance amount. The same is pending consideration.

In the absence of the Municipality it is not possible for the Court to decide the issue conclusively.

In view of the above, the present writ petition is disposed of by directing the Chairman and the Executive Officer of the Mal Municipality to take into consideration the representation filed by the petitioner seeking release of the balance amount in accordance with law, at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order.

The respondent authorities shall afford an opportunity of hearing to the petitioner to produce necessary documents in support of his claim.

A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

In the event, it is found that the petitioner will be entitled to the relief as prayed for, then consequential steps shall be taken in the matter.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and all points are left open to be decided by the aforesaid respondents at the time of consideration of the prayer of the petitioner.

Learned advocate for the petitioner is directed to forward a copy of the representation dated October 25, 2022 along with all documents in support of his claim to the aforesaid respondents at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy 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.)