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31.07.2023
Ct. No.2
b.das

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction

WPA No. 342 of 2023

Biswajit Karmakar
Vs.
The State of W.B. & Ors.

Mr. Sandip Mandal ...for the petitioner.

Mr. Debarshi Dhar ...for SMC.

Affidavit of service filed by the petitioner is taken on record.

None appears for the private respondent despite service.

The petitioner complains that the private respondent has raised unauthorized construction in deviation of the sanctioned plan issued in his favour by the Siliguri Municipal Corporation.

In an earlier writ petition filed by the petitioner, in this regard, being WPA 745 of 2023, a co-ordinate Bench of this court, by an order passed on 13th April, 2022, directed the municipal corporation to respond to the representation made by the petitioner within a stipulated time frame.

Learned counsel for the petitioner submits that despite such order of the Court and service of

contempt notice upon the municipal corporation, the order was not complied with.

During pendency of the writ petition, the Commissioner, Siliguri Municipal Corporation in compliance of the order of the co-ordinate Bench of this Court, dealt with the representations submitted by the writ petitioner, and by an order passed on 26th November, 2022 communicated on 1st March, 2023, directed the private respondent to “rectify the roof-truss work” as per the sanctioned plan within 15 days from the receipt of the order.

In view of the above, this Court is inclined to hold that since the representations submitted by the petitioner before the authority have been dealt with, nothing further remains to be adjudicated in the present writ petition. The petitioner seeks to assail the order in accordance with law.

With the above observations and directions this writ petition is disposed of.

There shall however be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)

