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10.03.2023
d.p.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 573 of 2023

**Surajit Roy
-versus
The State of West Bengal & Ors.**

Mr. Hillol Saha.

...For the Petitioner.

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

None appears on behalf of the respondents.

There is no proof of service of the writ petition upon the Haldibari Municipality.

The petitioner prays for consideration of his representation by the Municipality.

The allegation of the petitioner is that the Municipality is making construction of toll plaza over the private land of the petitioner.

The representation was filed by the petitioner on 3rd March, 2023.

As it appears that the representation of the petitioner is pending consideration before the Haldibari Municipality, accordingly, no useful purpose will be served by keeping the writ petition pending.

The Municipality will also not be prejudiced, if the writ petition is being disposed of in the manner as follows.

The Haldibari Municipality is directed to consider the representation filed by the petitioner on 3rd March, 2023 in accordance with law, after giving an opportunity of hearing to all the necessary parties at the earliest, but positively within a period of four weeks from the date of communication of this order. A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

In the event it transpires that the private land of the petitioner has been encroached at the time of making construction by the Municipality, necessary steps shall be taken for removal of the said construction.

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

Learned advocate appearing for the petitioner is directed to forward a copy of the representation dated 3rd March, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

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.)