

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

WPA 1136 of 2023

**Krishna Devi
-versus-
Siliguri Municipal Corporation and Ors.**

Mr. Nabankur Paul, Adv.
... for the petitioner.

Mr. Milindo Paul
Ms. Bedashruti Bose
Mr. Subham Chanda
... for the respondent
nos. 5, 6 and 7.

Mr. Bikramaditya Ghosh
... for the respondent
nos.8, 9 and 10.

Mr. Debarshi Dhar
... for the respondent no.1.

The grievance of the petitioner in the present writ application is that the petitioner through his learned advocate has filed a representation before the respondent no.3 on the allegation that the private respondents have started illegal construction over the property in question. The grievance of the petitioner is that in spite of receipt of the representation, the respondent no.3 has not taken any steps and illegal construction is still going on.

Counsel for the respondent no.3 submits that on receipt of the application, a proceeding has been initiated and a report has been called for.

Learned counsel for the respondent no.3 has handed over a notice dated 10th May, 2023 wherein the Commissioner, Siliguri Municipal Corporation has

issued notice to the private respondent no. 8 for appearance before him and the proceeding is still pending before the Commissioner.

Learned counsel for the respondent nos. 8, 9 and 10 submits that the petitioner has suppressed the fact as there is a dispute between the petitioner and private respondents as landlord-tenant and the private respondent nos. 5, 6 and 7 have already initiated a suit which is pending for adjudication.

Counsel for the petitioner submits that he is not a party to the suit and he has no knowledge about the suit pending before the civil Court.

Considered the rival submission and perused the materials on record.

As per the notice dated 10th May, 2023 it reveals that the respondent no.3 had already initiated a proceeding against the private respondents and the proceeding is still pending.

In view of the above, this Court finds that no purpose would be served by keeping the writ application pending. Accordingly, WPA No. 1136 of 2023 is disposed of by directing the respondent no.3 to dispose of the proceeding initiated on the application dated 13.04.2023 within a period of eight weeks from the date of receipt of copy of this order after giving an opportunity of hearing to all affected parties.

It is made clear that if any construction is made illegally, the respondent no.3 shall take appropriate steps with regard to the illegal construction.

WPA No. 1136 of 2023 is thus disposed of.

(Krishna Rao, J.)