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06.03.2023
d.p.

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

W.P.A. 2536 of 2022

**Mrs. Devi Pradhan
-versus
The Principal Secretary, Department of Urban
Development & Municipal Affairs & Ors.**

**Mr. Pratap Khati,
Mr. Ranjan Sharma.
...For the Petitioner.**

**Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah,
Mr. Dipankar Deb.
...For the Respondent
Nos. 5 and 6.**

**Mr. Hirak Barman,
Ms. Bedashruti Bose.
...For the State.**

None appears on behalf of the Municipality in spite of service.

The petitioner complains of illegal and unauthorized construction.

The complaint lodged by the petitioner before the Board of Administrators, Kalimpong Municipality is pending consideration till date.

Learned advocate appearing for the private respondents denies the allegation of the petitioner.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the

respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Board of Administrators, Kalimpong Municipality to consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner within a period of eight weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioner immediately thereafter.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

It is made clear that this Court has not entered into the merits of the claim made by 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.

The petitioner is directed to forward a copy of the legal representation dated 8th July, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

Report filed by the Inspector-in-Charge, Kalimpong Police Station signed on 6th September, 2022 be taken on record.

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.)