

WPA 6092 of 2024
Aswini Garain & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Srijan Nayak,
Ms. Rituparna Maitra,
Mr. Arpan Kundu

...for the Petitioners

Mr. Somnath Roy

...for Respondent Nos. 2 to 4.

Ms. Bratati Roy Chowdhury,
Mr. Abhishek Chakraborty

...for the State

Despite service, respondent nos. 5 & 6 are not represented.

Let the affidavit of service filed by the petitioners be kept with the records.

The petitioners and respondent nos. 5 & 6 are neighbours.

It is the grievance of the petitioners that without maintaining the statutory gap, respondent nos. 5 & 6 have constructed a grocery shop violating the easement right of the petitioners. The petitioners seek an order of demolition.

It is the further grievance of the petitioners that though they made a representation dated January 1, 2024, to the Bhadreswar Municipality regarding the alleged illegal construction, no steps have been taken by the Municipality.

In view of the aforesaid facts, I dispose of this writ petition with a direction upon the Municipality to consider the representation appearing at page 23 of the writ petition

in accordance with law within a period of two months from the date of communication of this order. Before taking any decision, the Municipality shall hear the petitioners as well as respondent nos. 5 & 6.

WPA 6092 of **2024** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)