

4 01.5.2024
Sc Ct. no.22

(A s s i g n e d)

WPA 10566 OF 2023

Chandan Ghosh

Vs.

The State of West Bengal & Ors.

Mr. Pratik Ghosh
Mr. Prasad Bhattacharyya
Mr. Yashovardhan Shaw.

....For the Petitioner

Ms. Munmun Tewary
Ms. Sanchayita De.

....For the Respondents/
State

Mr. Kashinath Roy
Ms. Sikta Roy.

....For the Respondent no.5

This is an assigned writ petition.

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

The writ petitioner claims to be the owner of a plot of land mentioned in detail in **paragraph 2** of the writ petition.

Mr. Prasad Bhattacharya, learned counsel for the writ petitioner drawing attention to his client's representation dated **March 27, 2023, Annexure-P7 at page 74** to the writ petition submits that, the private respondent no.5 is the owner of the adjacent land mentioned in **paragraph 7** of the said representation. The writ petitioner complains of unauthorised and illegal construction by the private respondent at the said adjacent land. The representation was submitted before

the concerned municipality. The municipality on **August 30, 2022** conducted a hearing when the petitioner and the private respondent were heard but till date no reasoned order has been passed or communicated to the petitioner. The petitioner applied under the provisions of the **Right to Information Act, 2005** on **December 29, 2022** asking the said reasoned order. By a letter dated **February 9, 2023 at page 73** to the writ petition the municipal authority declined to provide a copy of the reasoned order to the petitioner on the plea that, the order passed on **August 30, 2022** is not yet approved by the Board of Councillors, so it was not possible to supply.

From the affidavit-of-service, taken on record, it appears that, notice was duly served upon the concerned municipality and its authorities being the respondents in this writ petition, despite such notice they failed to appear. Through an e-mail dated **April 30, 2024** learned advocate for the petitioner served another notice upon the Chairman of the concerned municipality. The mail had reached at the official E-mail I.D., still the municipality chose not to be represented before this Court.

Ms. Sikta Roy, learned advocate appearing for the respondent no.5. submits that, there was no illegal or unauthorised construction at the premises of the respondent no.5.

Be that as it may, considering the submissions made on behalf of the parties and considering the

materials on record, the respondent no.3 and/or any other appropriate authority of the Kanchrapara Municipality is directed to serve a copy of the reasoned order dated **August 30, 2022** to the petitioner and the respondent no.5 positively within a period of **one week** from the date of communication of this order.

It is made clear that this Court has not gone into the merits of the submissions of the petitioner and the respondent no.5.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

On the above terms, the writ petition **WPA 10566 of 2023** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)