

09.09.2024
Sl. No.28
Ct. No.15
S.A.

WPA 12042 of 2024

Panchajanya Trust
-vs-
The Madhyamgram Municipality & Ors.

Mr. Jishnu Chowdhury
Ms. Ujjaini Chatterjee
Ms. Pratiti Das

...for the petitioner

Mr. Alope Chatterjee
Mr. Arghya Mullick

...for the Municipality

Mr. Arindam Banerjee
Mr. Rituparna Chattherjee
Mr. Zubeen Pandey

...for respondent no.4

The petitioner alleges that respondent no.4 has obtained a sanctioned plan at L.R. Dag No.400, Khatian No.2905, Barasat, District-24 Parganas (North).

The petitioner alleges that respondent no.4 has no valid title in respect of the said premises. He obtained the sanctioned plan by suppression of the material facts.

On behalf of respondent no.4 it is submitted that concerning the title of the property, Title Suit No.127 of 2014 is pending at the instance of the vendor of the petitioner against respondent no.4 and others.

The Civil Court has not passed any order of injunction against respondent no.4.

I am of the view that since the petitioner made a representation before Madhyamgram Municipality alleging misrepresentation in obtaining the sanctioned plan, the same should be considered by the Municipality.

In the aforesaid facts, this writ petition is disposed of with a direction upon Madhyamgram Municipality to consider the representation dated April 3, 2024 (appearing at page 52 of the writ petition) in accordance with law in arriving at its decision.

The Municipality shall hear the petitioner as well as respondent no.4 and a reasoned order should be passed within three months from the date of communication of this order.

Needless to mention that this Court has not gone into the merit of the case.

Accordingly, **WPA 12042 of 2024** is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

(Kausik Chanda, J.)