

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 12076 of 2023
(Assigned)

Nirmalendu Chowdhury
Vs.
The Midnapur Municipality & Ors.

Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Subhankar Das
Mr. Neil Basu
Mr. Sankha Biswas

... For the petitioner

Mr. Sujay Bandyopadhyay
Mr. Pradipta Siddhanta

... For the Midnapore Municipality

Mr. Rabindranath Mahato
Mr. Aritra Shankar Ray

... For the respondent no.4

- 1.** Affidavit of service filed in Court today is taken on record.
- 2.** This writ application under Article 226 of the Constitution of India has been filed against the Board of Councillors who did not consider the prayer of the petitioner addressed to the Board of Councillors, Midnapore Municipality, by submitting an application on 19th February, 2023 with the allegation of granting sanction plan in violation of the West Bengal Municipal (Building) Rules, 2007 and also on the ground of illegal sanction in deviation of the said Rules of 2007.
- 3.** Learned counsel appearing on behalf of the petitioner has submitted that the application addressed to the Board of

Councillors was filed in the year 2023 but that was not disposed of by passing any order, till date.

4. Learned counsel on behalf of the respondents are present.

5. It is not disputed that the Board of Councillors of Midnapore Municipality failed to consider the application filed on behalf of the petitioner.

6. Given facts and circumstances, the Board of Councillors of Midnapore Municipality is directed to dispose of the application filed on behalf of the petitioner dated 19th February, 2023 by a reasoned order after giving an opportunity of hearing to the concerned parties or their representatives within four weeks from date and copy of the reasoned order passed by the Board of Councillors of Midnapore Municipality shall be communicated to the petitioner within seven days thereafter.

7. With the aforesaid observation and direction, the writ application stands disposed of.

8. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

9. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)