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21.05.2024
d.p.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

W.P.A. 13327 of 2024

**Shri Pradip Kumar Roychowdhury & Anr.
-versus
The Dum Dum Municipality & Ors.**

**Mr. Kishore Mukherjee.
...For the Petitioners.**

**Ms. Mousumi Bhowal.
...For the Municipality.**

**Mr. Dipanjan Datta.
...For the State.**

The notice served in the office of the Government Pleader and the service upon the Municipality be retained with the records.

The petitioners are aggrieved by the notice dated 30th April, 2024 issued by the Executive Officer, Dum Dum Municipality addressed to the Officer-in-Charge, Dum Dum Police Station intimating that a date be fixed upon consultation with the engineer for a joint inspection to be done and thereafter, a decision will be taken according to the Municipal Rules. The said letter has been issued in connection with a permission sought for by the petitioners for constructing a boundary wall. The boundary wall has since been constructed and is complete.

Learned advocate for the Municipality submits that the notice was issued by the Municipality as the place where the boundary wall has been constructed by

the petitioner was a water body which had been filled up.

The very purpose for which the impugned notice dated 30th April, 2024 was issued has become infructuous as the boundary wall has already been constructed.

The Court is of the opinion that as the construction is over, accordingly, at this stage, there is hardly any scope to keep the writ petition pending.

If any joint inspection is required to be made or a decision is required to be taken, then prior notice will be served upon the petitioners.

It will be open for the Municipality to take necessary steps in the event the Municipality is of the opinion that the water body had been filled up illegally and the same is required to be restored to its original state.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)