

WPA 13620 of 2022
With
CAN 1 of 2024
Smt. Susmita Chakravorty & Ors.
Vs.
The State of West Bengal & Ors.

Mr. N. G. Sarkar,
Mr. Samrat Choudhury,
Mr. Devranjan Das

...for the Petitioner

Mr. Sudipto Panda,
Mr. Subhasri Chatterjee

...for the State

Mr. Shibasis Chatterjee

...for Respondent No. 12

In Re : CAN 1/2024

This is an application for restoration. Having regard to the averments made in paragraph nos. 3 & 4 of this application, I am of the view that the petitioner has sufficiently explained the reason for her non-appearance on December 6, 2023.

Accordingly, **CAN 1/2024** is allowed and this writ petition is restored to its original file and number.

In Re.: WPA 13620 of 2022

The petitioners allege unauthorised construction at the behest of respondent no. 12.

It is the grievance of the petitioners that respondent no. 12, in process of constructing his residential house, has encroached a 4 feet wide common passage belonging to the petitioners.

The petitioners allege that respondent no. 12 has not left the mandatory side open space in raising the

construction. The petitioners further allege that the box window constructed by respondent no. 12 protrudes, obstructing free ingress and egress of the petitioners.

The learned advocate appearing for the petitioner has drawn attention of this Court to a representation dated February 2, 2022, appearing at page 42 of the writ petition. It is submitted that despite such a representation, no steps have been taken by the Jangipur Municipality.

Respondent no. 12 submits that he has a sanctioned plan issued by the Jangipur Municipality.

In view of the aforesaid facts, I dispose of this writ petition giving direction upon Jangipur Municipality to consider the representation dated February 2, 2022, in accordance with law after giving an opportunity of hearing to the petitioners as well as respondent no. 12.

The Municipality shall pass a reasoned order and communicated the same to the parties. The entire exercise shall be carried out within a period of three months from the date of communication of this order.

Accordingly, **WPA 13620 of 2022** 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.)