

06.06.2024
Item No.30
gd/ssd

WPA/15224/2024
SMT. SANGHMITRA BOSE AND ORS.
VS
COOCH BEHAR MUNICIPALITY AND ORS.

Mr. Kunaljit Bhattacharjee
..for the Petitioners.

Ms. Suman Sehanabis
..for the Respondent Nos.1 to 3.

Mr. Swapan Banerjee,
Mr. Sougata Mitra,
Ms. Neelam Singh
..for the State.

Learned counsel for the petitioners submits that five individual court fees have duly been paid by the five individual petitioners to maintain this writ petition.

Mr. Kunaljit Bhattacharjee, learned counsel appearing for the writ petitioners drawing attention of this court to **Annexure P-27 at pages 177 to 181** to the writ petition submits that by virtue of the notices all dated May 21, 2024 the hoardings/advertisements installed at the municipal area by the petitioners was directed to be dismantled.

Learned counsel for the petitioners submits that the necessary payment in accordance with law had duly been made by the petitioners. Therefore, the hoardings/advertisements put on by the

petitioners can remain and the impugned notices can be quashed.

Ms. Suman Sehanabis, learned counsel appears for the respondent nos.1 to 3 submits that she is required to obtain instruction from her client as to whether the necessary amount has already been paid by the five petitioners individually to the municipal authority to put on those hoardings/advertisements.

Mr. Swapan Banerjee, learned State counsel appears for the respondent nos.4, 5 and 6.

After considering the above submissions and considering the materials on record, this court is of the view that if the required amount has been paid by the five individual petitioners strictly in accordance with law to the jurisdictional municipal authority to put on and maintain the said hoardings/advertisements at the municipal area and if otherwise the petitioners are eligible to put on those hoardings/advertisements strictly in accordance with law, then in that event the municipal authority shall recall the said notices dated May 21, 2024 **Annexure P-27 at pages 177 to 181** to the writ petition within a period of next two weeks from date and till such time i.e. June 20, 2024 the operation of the said notices shall remain stayed.

In the event it is found by the jurisdictional municipal authority that the necessary formalities

are not complied with by the petitioners by making the necessary payment in accordance with law or the petitioners are otherwise not eligible in law to continue with the said hoardings/advertisements, the local municipal authority shall inform its reasoned decision to the petitioners in writing and shall take all necessary steps to remove those hoardings/advertisements in accordance with law.

After the order has been passed it was discovered that this writ petition pertains to the Jalpaiguri Circuit Bench but mistakenly listed in the cause-list of the Principal Bench by the department concerned. This order shall be treated to have been passed in this writ petition which pertains to the Jalpaiguri Circuit Bench as the Circuit Bench is not in seisin at present.

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

With the above observations and directions, this writ petition, **WPA 15224 of 2024** stands **disposed of** without any order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(ANIRUDDHA ROY, J.)