

Item No.109

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

10.05.2024
Ct-24

WPA 16856 of 2022
Mohammad Ali

v.

The State of West Bengal & Ors.

Mr. Md. Kutubuddin
... for the petitioner.

The petitioner complains that the Rampurhat Municipality, despite allotting a shop room in his favour way back in the year 2019, till now has not handed over the possession of the shop room to him in the Hattala Fish and Vegetable Market for opening a fish stall.

The petitioner made representation before the Municipality in the year 2018 but the same is pending consideration.

None represents the respondents.

From the allotment letter it is not very clear with regard to the specification of the shop room which was allotted in favour of the petitioner. He claims that the shop room which was allotted in his favour is shop room no. 13 which is reflected in the judgment passed by the learned Civil Judge, 1st Court (Junior Division), Rampurhat in TS No. 26 of 2013.

The reason for not handing over possession of the shop room to the petitioner despite allotment of the same, is not very clear.

As the Municipality is not represented, the Court cannot adjudicate the issue conclusively. The Chairman of the Municipality being the respondent no. 4 is directed to consider the prayer of the petitioner for handing over possession of the shop room in his favour at Hattala Fish and Vegetable Market.

A decision shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward all documents in support of his claim to the aforesaid respondents at the time of communicating the order of the Court.

Affidavit-of-service filed in Court today is taken on record.

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.

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(Amrita Sinha, J.)