

Sl. No.72
07.10.2024
Suman
Ct. 15

WPA 25155 of 2024

**Amrit Kumar Nanda and Anr.
Vs.
The State of West Bengal and Ors.**

Mr. Soumen Kumar Dutta
Mr. Subham Dutta
Mr. Sk. Sayan Uddin
..for the petitioners

Mr. Koushik Chatterjee
Mr. Nilanjan Adhikari
..for respondent nos. 2 and 3.

Let the affidavit of service filed by the petitioners
be kept with the records.

Despite service, respondent no.5 is not
represented.

The petitioners by filing this writ petition seek
implementation of an order dated March 16, 2024,
issued by Contai Municipality against respondent
no.5.

The relevant part of the letter is quoted below:

“Sub: to reduce the height of boundary.”

It has come to the knowledge of the undersigned that you have demarcated your boundary with tin. The height of tin is more than 6 feet. Therefore, you are requested to reduce the height of the tin to 6 feet or below 6 feet within 7 days from the date of receiving this letter, otherwise municipality will take necessary steps against you as per law.”

Learned advocate appearing for Contai Municipality does not dispute the fact that the instruction contained in the aforesaid letter dated March 16, 2024, has not yet been implemented by respondent no.5.

I am of the view that the Municipality should afford an opportunity of hearing to respondent no.5 as well as the petitioners and pass necessary orders with regard to the alleged boundary wall constructed by respondent no.5 within a period of one month from the date of communication of this order.

The decision taken by the Municipality after hearing the parties should be implemented within a period of seven days thereafter. If the order of the Municipality is not implemented, the Municipality will be at liberty to approach the local police station to enforce the order and the local police station shall render all necessary assistance to the Municipality.

Accordingly, WPA 25155 of 2024 is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)