

Item No.32

11.03.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 26648 of 2023

Biswajit Das

v.

The State of West Bengal & Ors.

Mr. Dyutiman Banerjee

Mr. Amartya Basu

... for the petitioner.

Mir. Anuruzzaman

... for the Municipality.

Mr. Saunak Bhattacharya

Mr. Sounak Mondal

... for the private respondent.

The petitioner alleges that in response to the complaint lodged by the petitioner against the unauthorized construction made at the behest of the private respondent, the Municipality conducted a hearing on December 22, 2022 but thereafter failed to pass any order thereon.

Learned advocate representing the private respondent denies the allegation of the petitioner.

Be that as it may, as it appears that the Municipality conducted hearing as far back as on December 22, 2022, it is incumbent for the Municipality to pass a reasoned order and communicate the fate of the hearing to the parties.

Since a long time has elapsed from the date of the last hearing, accordingly, the Municipality is directed to conduct a fresh spot inspection and circulate the report

of spot inspection amongst the parties. Thereafter a hearing will be conducted and a reasoned order shall be passed and communicated to the parties.

The parties will be entitled to rely upon all documents in support of the construction made at the time of hearing.

The Municipality shall conclude the entire process at the earliest but positively within a period of eight weeks from the date of communication of this order.

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.

Sh

(Amrita Sinha, J.)