

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

WPA 929 of 2024

**Satya Ranjan Dutta
Versus
Siliguri Municipal Corporation and Ors.**

Mr. Ajay Singhal, Adv.
Ms. Sunayana Prasad, Adv.
... for the petitioner

Mr. Deborshi Dhar, Adv.
... for the respondent no.1

Mr. Momenur Rahaman, Adv.
Mr. Bikash Singha, Adv.
... for the respondent nos.3 & 4

Mr. Ajay Singhal, learned counsel, is appearing for the petitioner. Mr. Deborshi Dhar, learned counsel, is appearing for the respondent no.1. Mr. Momenur Rahaman, learned counsel, is appearing for the respondent nos.3 and 4.

The petitioner had earlier filed a writ application being WPA/632/2022 and the same was disposed of by this Court dated 9th June, 2023 by passing the following order :

“Considered the rival submissions made by the respective parties and perused the materials on record. This Court finds that the petitioner has not made any complaint to the Municipal Corporation against the private respondent for illegal

construction. The petitioner has filed the instant writ application only on the basis of the notice dated 9.9.2014. The said notice is in connection with the earlier writ proceedings which is the subject matter of the SLP pending before the Hon'ble Supreme Court. This Court also finds that the petitioner has not made any specific complaint to the Municipal Corporation against any illegal construction by the private respondent and, as such, this Court finds that no order can be passed by directing the Municipal Authority for taking any action against the private respondent.

It is made clear that if Petitioner makes such complaint for violation of sanction building plan, the Municipal Corporation shall conduct enquiry and if any violation is found, the Municipal Corporation shall take appropriate action in accordance with law.

In view of the above, WPA 632/2022 is disposed of."

After the order passed by this Court dated 9th June, 2023 the petitioner has made a composite representation to the Commissioner, Siliguri Municipal Corporation on 6th September, 2023 making several allegations against the private respondents. After the said representation dated 6th September, 2023, the petitioner has also made several reminders to the Chairperson, Siliguri Municipal Corporation but till date the Commissioner, Siliguri Municipal Corporation has not considered the complaint submitted by the petitioner.

Counsel for the private respondent nos.3 and 4 submits that similar allegation was made by the petitioner on earlier occasion and this Court has also dealt with the same but again the petitioner has made same allegations before this Court and prays for dismissal of the writ application.

Learned counsel for the Siliguri Municipal Corporation submits that as per the allegations made by the petitioner, the building plan is of 1994 which is valid till 1997 and at this stage, it is difficult for the municipality to decide the said issue.

Heard learned counsel for the respective parties. Perused the materials on record.

This Court finds that the petitioner has made a comprehensive representation along with reminders to the Commissioner, Siliguri Municipal Corporation and the same is still pending before the concerned authority.

In view of the above, the Commissioner, Siliguri Municipal Corporation is directed to dispose of the representation submitted by the petitioner on 6th September, 2023 against the private respondent nos.3 and 4 along with the reminders by giving an opportunity of hearing to all the affected parties. If the Commissioner requires to inspect the property in question, the property can be inspected after

giving notice to all the parties and in presence of all the parties.

The Commissioner, Siliguri Municipal Corporation is directed to dispose of the said representation by passing a reasoned and speaking order within a period of eight weeks from the date of receipt of this order.

It is made clear that this Court has not gone into the allegations made by the petitioner and the Commissioner is directed to decide all the allegations by passing a reasoned and speaking order.

WPA No.929 of 2024 is disposed of.

(Krishna Rao, J.)