

04.12.2024
(D/L-11)
Ct.No.-2
(Susanta)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 2434 of 2024

Bijay Kumar Khanna @ Bijay Khanna

-Vs-

The State of West Bengal & Ors.

Mr. Anand Bhandari,
Mr. Urgan Lama,
Mr. Mayank Bhandari,
.... For the Petitioner.

Mr. Hirak Barman,
Ms. Pratusha Dutta Chowdhury,
.... For the State.

Mr. Billwadal Bhattacharya, Sr. Adv.,
Mr. R. Lama,
Mr. Debabrata Rai,
Ms. Nancy Gurung,
Mr. Sanjeev Gupta,
Ms. Supriya Singh,
.... For the Respondent Nos. 1-3.

Mr. Avrojoyti Das,
Mr. Shahbaz Ahmed,
Mr. Rajdeep Das,
Mr. Shenaaz Ali,
.... For the Respondent no. 7.

The petitioner is the owner of the plot of land measuring about 0.0843 acres, comprised in L.R. Plot No. 653 under J.L. No. 24; Sheet No. 33 of Mouza Darjeeling at Dr. Zakir Hossain Road, within the Darjeeling Municipality, the respondent no.2 herein.

The petitioner once had engaged Mr. Avishek Rai, the respondent no. 7 herein, to develop the said land, but their relationship gradually turned sour.

The petitioner is now alleging that the respondent no. 7 is executing the construction work over the said land without any valid plan.

Mr. Billwadal Bhattacharya, learned senior advocate appears on behalf of the Darjeeling

Municipality and submits that there is a sanctioned plan for the said building but the Municipality, upon inspection, has noticed some deviation from the said plan; he further submits that appropriate steps would be taken.

It appears from the record that there is a pending notice under Section 220(1) of the West Bengal Municipal Act, 1993 which was issued by the Chairman of the said Municipality on October 17, 2022.

The Municipality is under statutory obligation to dispose of the said notice. The Chairman, Darjeeling Municipality, the respondent no.3 herein, is therefore directed to dispose of the said notice within a period of **two weeks** from the date of communication of this order after giving all concerned parties an opportunity of hearing.

W.P.A 2434 of 2024 is thus disposed of without any order as to costs.

No affidavit since has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)