

02.04.2025
Sl. No. 36
Ct No. 3
SG

WPA 357 of 2024

**Ashok Kumar Majumder
Vs
South Dum Dum Municipality & Ors.**

Ms. Pramita Banerjee.
...for the petitioner

Mr. N.C. Bihani,
Ms. P.B. Bihani.
...for the S.D.D.M.

1. Affidavit-of-service is taken on record.
2. The petitioner has preferred the present writ petition seeking demolition of unauthorized and illegal construction at holding no. 172, Ward No. 17, South Dum Dum Municipality. Petitioner contends that he has made a representation dated 04.12.2023 before the South Dum Dum Municipality.
3. Learned Counsel for the respondent-municipality states that in terms of the representation the petitioner was called for a hearing. The complainant had not appeared before the municipality. A copy of the hearing conducted on 15.01.2025, 17.02.2025 and 28.02.2025 is handed over to this Court which is kept on record.
4. Learned Counsel for the petitioner states that he was never served with a notice of hearing.

5. Be that as it may, the respondent-municipality is ready and willing to decide the representation dated 04.12.2023.

6. In view of the said statement learned Counsel for the petitioner states that his grievance shall be satisfied and he does not wish to press the present writ petition if his representation dated 04.12.2023 is decided within a time bound manner.

7. In view of the statement made by the parties, this Court accordingly directs the respondent-municipality to decide the representation of the petitioner dated 04.12.2023 within a period of six weeks from the date of communication of this order after affording an opportunity of personal hearing to the petitioner as well as the private respondent or any other interested party by way of a speaking order.

8. With the above direction, the present writ petition is disposed of.

9. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

10. There shall be no order as to costs.

11. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)