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06.02.2025
S.D.
Ct. No. 26

**F.M.A. 141 of 2025
With
CAN 1 of 2025**

**Sushil Kumar Chakraborti
Vs
State of West Bengal & Ors.**

Mr. Kallol Basu
Ms. Krishna Yadav
Ms. Atreya Chakraborty
..For the Appellants

Md. Manuwar Ali
Ms. Priyanka Jana
...For the Respondent Nos. 1 & 5

Mr. Rajendra Chaturvedi
..For the Konnagar Municipality

Learned advocate appearing for the appellants submits on instructions that, the appellants are ready and willing to withdraw the appeal subject to the following conditions:-

- i. Appellants may be permitted to make appropriate application for change of user of the property, in accordance with law,

- ii. The concerned municipality may consider such application for change of user, in accordance with law within four weeks from the date of receipt of the application.
- iii. The garbage van which stands removed as on date and will not be returned to the place near the building of the appellant.

Municipal authorities are represented.

Stand taken by the appellants being the fair and reasonable is accepted.

Appellants are allowed to make an application for conversion of the user of the property, in accordance with law with the municipality. On such application being made, municipality will consider the same strictly, in accordance with law and dispose of the same after affording an opportunity of hearing to the appellants preferably within four weeks from the date of receipt of the application.

Till the change of user is allowed by the concerned municipality, appellants will not use such property for any other purpose than for which it was sanctioned

In such circumstances, **F.M.A. 141 of 2025** and the connected application being **CAN 1 of 2025** are **disposed** of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)