

43 04-03-2025  
AKG  
Ct. 15

**WPA 12284 of 2024**  
**Md. Nasim Akhtar**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Neil Basu,  
Ms. Ankan Das,  
Mr. Ritwik Mondal

...for the Petitioner

Mr. Dipanjan Datta,  
Mr. Abhishek Banerjee

...for the State

Mr. Mir Anuruzzaman

...for the Municipality

The earlier writ petition filed by the petitioner (W.P. 24549 (W)/2018) was dismissed for default by a Co-ordinate Bench of this Court on June 22, 2023.

The Municipality submits that the present writ petition is not maintainable. However, I do not accept this submission. On the date of dismissal, neither the petitioner nor the respondents were present.

In my view, this fresh writ petition is maintainable in accordance with Order IX, Rule 9 of the Code of Civil Procedure, 1908.

The petitioner asserts that respondent nos. 6 and 7 have undertaken unauthorised construction in front of his residential building at 15, M. N. Roy Road (Doltala), Post Office – Rajpur, Police Station – Sonarpur, Kolkata – 700 149. The petitioner further contends that this unauthorised

construction obstructs the egress from and ingress to the residential building.

The petitioner alleges that despite submitting a representation as appearing at page 53 of the writ petition, the Municipality has failed to take any action.

In light of the above, this writ petition is disposed of with the direction to Rajpur Sonarpur Municipality to consider the petitioner's representation appearing at page 53 of the writ petition within two months from the date of this order. The Municipality is further directed to provide an opportunity for a hearing to both the petitioner and respondent nos. 6 and 7. The decision shall be taken and communicated to the parties.

Accordingly, **WPA 12284 of 2024** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

**(Kausik Chanda, J.)**