

D/L
Item No. 15
28.04.2025
KOLE

WPA 22321 of 2024
Madhu Ghosh
-Vs.-
The Chandannagore Municipal Corporation & Ors.

Mr. Raghunath Chakraborty,
Ms. A. De,

...for the petitioner.

Mr. Suman Basu,

...for the Chandannagar Municipality.

Mr. Rajib Mukherjee,
Ms. S. Bhoduri,

...for the Bhatpara Municipality.

Affidavit of service filed by the petitioner in court today
be kept with the records.

The petitioner has preferred the present writ petition seeking withdrawal or cancellation/quashing of the impugned show cause notice being Memo No. IA/Misc/2024/73 dated 26.07.2024 as well as the notice of hearing dated 28.08.2024, by which the hearing was fixed on 05.09.2024 before the Commissioner, Chandannagore Municipal Corporation.

This is the second round of litigation. In view of the earlier direction passed by this court vide order dated 04.07.202 in WPA 23257 of 2022 4, the respondent had issued the show cause notice being Memo No. IA/Misc/2024/73 dated 26.07.2024. However, the said show cause notice was required to be issued within a period of seven days in terms of the earlier order passed by this Court on 04.07.2024. The Petitioner, therefore, filed the present writ petition challenging the said show cause notice dated 26.07.2024.

Learned Advocate for the petitioner states that no hearing has been held despite the petitioner having filed a reply to the said show cause notice on 13.08.2024.

Learned Advocate for the respondent Municipality submits that they are ready and willing to afford an opportunity of personal hearing to the petitioner and to pass a speaking order within a time bound manner. The same could not be done earlier as the petitioner had approached this Court.

In terms of the said statement, learned Advocate for the petitioner states that his client shall be satisfied if the hearing is conducted on 06.05.2025 and speaking order is passed within two weeks thereafter.

Admittedly there has been a delay in issuing the said show cause notice. However, since the Respondent had already issued the show cause notice in compliance with the order of this Court dated 04.07.2024, this Court is of the view that the said delay can be condoned.

In terms of the statements made by the Learned Counsel for the parties, the present writ petition is disposed of with a direction upon the respondent Chandannagore Municipal Corporation to conduct the hearing on 06.05.2025 at 2.00 p.m. in the office of the Commissioner of the Chandannagore Municipal Corporation and to pass a speaking order within two weeks thereafter.

WPA No. 22321 of 2024 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Gaurang Kanth, J.)