

**In the High Court at Calcutta
In the Circuit Bench at Jalpaiguri**

05 **06.01.2025**
 Ct. No.01
 Sws.M

WPA 2412 of 2024

Sri Vedprakash Mittal
-Vs.-
Siliguri Municipal Corporation & Ors.

Mr. Nigam Mittal
Ms. Perna Mitra

...for the petitioner

Mr. Deborshi Dhar

....for the Siliguri Municipal Corporation

The grievance of the petitioner is directed against non-consideration of a representation seeking action against the illegal construction at the subject premises.

Briefly, the petitioner is the owner of a flat situated at Ward No. 40, Parnami Mandir Road, Siliguri – 734001, commonly known as Raj Villa Apartment. It is alleged that the developer of the subject premises had assured the residents including the petitioner that the front portion of ground floor would be meant exclusively for car parking purposes. Despite such assurance, the respondent /developer being the respondent No. 5 has unlawfully and illegally and without the authority of law converted

the said parking place for commercial purposes. Notwithstanding the petitioner having filed the representation as far back as on 21 August, 2024, the Commissioner being the respondent No. 3 has taken no steps in the matter.

The Commissioner is represented and submits that he has no objection if directions were passed for expeditious disposal of the representation.

In view of the above, WPA 2412 of 2024 stands disposed of by directing the Commissioner, Siliguri Municipal Corporation, being the respondent No. 3 to consider and dispose of the representation dated 21 August, 2024 within a period of four weeks from the date of communication of this order and after giving a right of hearing to all the affected parties, in accordance with law and without being influenced by any observation made in this order.

It is made clear that there has been no adjudication on the merits of the case and all questions are left open to be decided by the respondent No. 3.

There shall be no order as to costs.

As affidavits have not been called for, the allegations made in the writ petition are deemed not to have been admitted.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)