
(2021) 08 CAL CK 0048
In the Calcutta High Court
Case No : Writ Petition No. 289 Of 2021

Dinesh Hazra

APPELLANT

Vs

State Of West Bengal & Ors.

RESPONDENT

Date of Decision : 16-08-2021

Acts Referred:

Constitution Of India, 1950 — Article 14, 19, 21
Payment Of Gratuity Act, 1972 — Section 7A(3)

Citation : (2021) 08 CAL CK 0048

Hon'ble Judges : Arindam Mukherjee, J

Bench : Single Bench

Advocate : Debductta Basu, K. P. Santra, Chaitali Bhattacharya, Subhendu Roychoudhury, Deblina Chattaraj

Final Decision : Disposed Of

Judgement

The Court : The writ petitioners seek an order on the Special Officer (Building), Building Department, Kolkata Municipal Corporation for passing a reasoned order consequent to the hearings conducted before the said officer and in terms of a hearing notice dated 30th April, 2019.

Learned Counsel appearing for the petitioners places several orders passed by learned Judges of this Court from 15th February, 2019 to 18th September, 2020 by which the Kolkata Municipal Corporation was directed to conclude the proceedings initiated by it under Section 400 of the 1980 Act and for granting an opportunity of hearing to the authorized representative of the petitioners.

Counsel submits that the hearing before the concerned authority is over but the Kolkata Municipal Corporation is yet to pass a reasoned order and communicate the same to the petitioners. The dispute relates to allege construction of temporary and permanent structures in a building of which the petitioner is a co-owner. A representation of the

petitioners dated 14th February, 2020 is annexed to the petition for a request to

the Kolkata Municipal Corporation Authorities for providing a copy of the final order passed pursuant to the hearing attended by the petitioners.

Learned Counsel appearing for the Kolkata Municipal Corporation Authorities submits that the hearing was concluded on 28th September, 2020 and seeks time to communicate of the reasoned order on the petitioners.

On hearing learned Counsel appearing for the parties, this Court is of the view that the writ petitioners first approached the Court in February, 2019 and the respondents should therefore be directed to pass an order and communicate the same to the petitioners, whatever the contents or consequences of the order might be.

The respondent No.5 is, accordingly directed to pass a reasoned order and communicate the same within 19th October, 2020 and ensure that the petitioners receive a copy of the same.

List the matter on 21st October, 2020 before an appropriate Bench.