

Court No. 24

**27.01.2021**

(Item No. 11)

(AB)

**W.P.A 319 of 2021**

**Prasanta Kumar Pakrashi**

**vs**

**The Rishra Municipality & Ors.**

Mr. Prasanta Kumar Pakrashi

...for the Petitioner

Mr. Rajendra Chaturvedi

.... for the Rishra Municipality

The petitioner is aggrieved by the action of the Rishra Municipality. It has been alleged that the Municipality has illegally taken possession of the premises No. 44, N. C. Pakrashi Lane, Rishra, Sreerampur, Hooghly.

The petitioner relies upon a judgment dated 8<sup>th</sup> September, 2006 and submits that an Administrator was appointed by the Court and it was the duty of the Administrator to take proper care of the property in question. It has been submitted that the Administrator illegally handed over the possession of the property to the Municipality.

The learned advocate representing the Rishra Municipality submits, upon instruction, that the Sukhodamoyee Nari Silpa Mandir gifted the property at 44, N. C. Parrashi Lane to the Chairman of the Rishra Municipality. Pursuant to the execution of the deed of gift in the year

2015 the Municipality has entered possession and has made construction thereon.

It appears from records that a judgment was delivered by the Hon'ble Division Bench of this Court in an appeal preferred from the Original Decree No. 234 of 1996 against the judgment and decree passed by the learned Additional District Judge, Second Court, Hooghly on 16<sup>th</sup> September, 1995 in L.A. Suit No. 21 of 1979. By the judgment dated 8<sup>th</sup> September, 2006 it was ordered and decreed that the appeal is dismissed and the judgment and decree of the learned Court below stood affirmed. The Hon'ble Division Bench further directed that the Administrator *pendente lite* do forthwith and upon proper rendition of acts, make over the estate to the applicant/respondent if he is still the Secretary, if not, to the present Secretary, if he is found to be fit and competent.

It appears that the property in question was thereafter handed over by the Administrator to the Secretary of the Sukhodamoyee Nari Silpa Mandir. The aforesaid Sukhodamoyee Nari Silpa Mandir executed a deed of gift in favour of the Chairman, Rishra Municipality and handed over the property in question to the Municipality in the year 2015.

The petitioner has approached this Court in the year 2021 alleging that the Municipality has illegally demolished the construction standing thereon and has made new construction thereat.

As the property was transferred to the Municipality by way of a registered deed of gift, it was open for the Municipality to deal with the property in such manner as deemed fit and proper, being the present owners of the property in question.

In view of the above, no relief can be granted to the petitioner in the instant case. The writ petition is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

**(Amrita Sinha, J.)**