

10.03.2021
SL No.20
Court No.24
(P.M.)

WPA 1279 of 2021

Subir Saha
Vs.
The State of West Bengal & Ors.

Mr. Subir Saha,
Mr. Sarthak Burman
... for the petitioner

Mr. Jayabrata Mukherjee,
Mr. Supriya Ranjan Ghosh
... for the Municipality.

Mr. Moloy Kumar Dey,
Mr. Subrata Ghosh
... for the State

The petitioner submits that the private respondents are making construction in an unauthorised manner over the public road by blocking his ingress and egress.

The petitioner alleges that the representations filed before the Dankuni Municipality has not been answered till date.

The learned advocate appearing on behalf of the Municipality submits that the alleged construction that is being made is on a private passage. The passage is not a public road as claimed by the petitioner.

The learned advocate appearing on behalf of the State respondents have taken instruction from the local police station wherefrom it appears that there is no public road where construction is being alleged to be made.

From the submission of the parties it appears that the dispute is purely private and civil in nature. The

Municipality will not be the proper forum to adjudicate the dispute.

In view of the above, the instant writ petition WPA 1279 of 2021 stands dismissed.

However, dismissal of the writ petition will not stand in the way of the writ petitioner from approaching the appropriate forum, in accordance with law, for redressal of his grievances, if so advised.

Affidavit of service filed in Court is taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)