

19.02.2021
SL No.18
Court No.24
(P.M.)

WPA 2909 of 2021

Kazi Arfin Hossain.
Vs.
The State of West Bengal & Ors.

Mr. Nemai Chandra Betal
... for the petitioner
Mr. Dilip Kumar Chatterjee,
Mr. Gopal Chandra Das
... for Kolkata Municipal Corporation.
Mr. R. Jaiswal,
Mr. S. K. Ghosh
... for the respondent no. 6
Ms. Mousumi Bhowal
... for the respondent No. 8
Mr. Bibek Jyoti Basu,
Mr. Uttam Kumar De
.... For the State

The petitioner alleges that Kolkata Municipal Corporation has sanctioned a building plan in favour of the private respondent in respect of the premises No. 1/18, Khanpur Road, Ward no. 98, Borough X by showing certain portion of his plot at 8 Khanpur Road.

It appears that the petitioner approached this court by filing an earlier writ petition on the self same allegation being W.P. No. 12998 (W) of 2018 which was disposed of by the Court by an order dated 1st August, 2018. The Court categorically observed that the contention of the petitioner establishes that there are title disputes with regard to the immovable property. Till such time, such disputes are resolved before an appropriate forum, it would not be appropriate either for the Corporation or for the writ court to pronounce that there is an encroachment on land. The

court was pleased to direct that the parties are at liberty to avail of their remedies before the appropriate forum.

The petitioner has filed the instant application praying for the same relief.

I am afraid that the same is not permissible and is barred by principle of res judicata.

WPA 2909 of 2021 stands dismissed.

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

(Amrita Sinha, J.)