

27.07.2021
Court No. 19
Item no.5
sn

WPA No. 10299 of 2019

SAILENDRA SINGH & ORS. VS. CHAMPDANI
MUNICIPALITY & ORS.
(via video conference)

Mr. Tarique Quasimuddin
Mr. Abbas Ibrahim Khan
...for the petitioners

Mr. Ayan Banerjee
Mr. Soumo Chawdhury
..for the Municipality

This writ petition has been filed challenging inaction on the part of the Chairman, Champdani Municipality in disposing of the contention of the petitioners with regard to the construction of a boundary wall in front of premises no. 63, G.T. Road, Champdani, Hooghly.

The learned Advocate for the petitioners submits that the municipality although agreed to be present during survey and demarcation of the land, such demarcation was ultimately not done. Ultimately the municipality informed the petitioners that the area over which the construction of the boundary wall was planned by the petitioners had been used as a pathway for 30 years by the local people. On demand of the local people, a concrete road was constructed by the municipality on the land. It was also informed to the petitioners that the area had been utilized for technical cable line and

water pipe line many years ago. Thus, there is a dispute as to whether the land is still retained by the petitioners or not. As such, such question cannot be decided by this Court. However, it appears that the Chairman of the Champdani Municipality had intimated the petitioners that a solution was being looked into.

The learned Advocate for the petitioners further submits that the land could not be taken over by the authority without initiating acquisition proceedings.

Under such circumstances, this writ petition is disposed, relegating the matter to the appropriate authority of the Champdani Municipality, to decide the issues raised in the writ petition, in accordance with law.

This order shall not be construed as a recognition of the right, title and interest of the petitioners with regard to the land in question.

The municipality will dispose of the grievances of the petitioner expeditiously, preferably within a period of eight weeks from the date of communication of this order.

Needless to mention that the petitioners and a representative of the local people shall be heard by the appropriate authority of the municipality. A reasoned order shall be passed and communicated to all concerned.

This writ petition is thus disposed of.

There will be however no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)