

Item No. 16

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
(via video conference)

10.04.2021  
Ct-24

W.P.A.15938 of 2019

Sumit Dey

v

Bidhannagar Municipal Corporation & Ors.

Mr. Sumit Dey

... petitioner in person.

Ms. Sudipa Roy

Ms. Srinath Singha Roy

... for the State respondents.

Mr. Debabrata Saha Roy

Mr. Arka Kumar Nag

Mr. Subhankar Das

... for Bidhannagar Municipal Corporation.

Mr. Syed Nurul Arefin

Mr. Rahul Singh

... for the respondent no. 6.

Leave granted to the petitioner, appearing in person, to file the supplementary affidavit incorporating the documents, which according to him was available only after filing of the writ petition.

The petitioner submits that his father was the owner of Plot No. 83, Block-DL, Sector-II, Salt Lake City, Kolkata- 700 091. According to the petitioner his father died intestate. The petitioner submits that a Will forging his signature was produced by his mother and probate obtained thereon. The mother of the petitioner being the

executor of the alleged Will sold the property in question in favour of the private respondent no. 6. The said respondent has obtained permission from the Bidhannagar Municipal Corporation for making construction and has completed the construction.

The petitioner prays for a direction upon the Bidhannagar Municipal Corporation to demolish the illegal and unauthorized construction made over the said plot of land.

The learned advocate appearing on behalf of the private respondent submits that he has purchased the property from the executor upon payment of consideration of Rs. 1.75 crore.

It has further been submitted that construction of the building has been made after obtaining necessary sanction from the Bidhannagar Municipal Corporation and a completion certificate has also been issued in his favour.

It has been submitted that the petitioner intends to extract money from him and accordingly has filed the instant writ petition.

The petitioner submits that one Title Suit was filed by him praying for revocation of the probate which was granted in favour of his mother. The private respondent has also filed a Title Suit against the petitioner praying for declaration and injunction restraining him from

interfering with the peaceful possession of the property in question.

It appears from the submissions of the parties that the private respondent purchased the property in question upon payment of consideration and the Bidhannagar Municipal Corporation has sanctioned a building plan and thereafter issued a completion certificate after the construction was over.

The petitioner claims ownership of the land in question. The Suit filed by the petitioner praying for revocation of the grant of probate is pending consideration before the learned Court.

In the event, the petitioner is successful in the said Suit then he may take necessary consequential steps pursuant to the order passed by the Court. No relief can be granted to the petitioner at this stage.

WPA 15938 of 2019 stands dismissed.

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 after completion of all legal formalities.

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( **Amrita Sinha, J.**)