

Item No.25

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

01.03.2021
Ct-24

W.P.A.21519 of 2019
Hemant Parakh
v
Sainthia Municipality & Ors.

Mr. Siddhartha Lahiri
Mr. S.Saha
... for the petitioner.

Mr. Ashis Kumar Chowdhury
Ms. Deborupa Mukherjee
... for respondents.

The petitioner alleges unauthorized construction by the Sainthia Municipality in his land being L.R. Plot Nos. 595 & 596. R.S. Plot No. 1262, 1262/4356.

The Executive Officer of the Sainthia Municipality has filed an affidavit wherein it has been mentioned that certain portion of the aforesaid plots has been acquisitioned by the Sainthia Municipality. After the acquisition proceeding was completed the Municipality has constructed a boundary wall and is enjoying peaceful possession of the land since 1989.

In reply to the affidavit filed by the Municipality the petitioner has submitted that the Municipality has

encroached upon more land than that has been acquired by the Municipality.

In view of the above, the instant writ petition is disposed of by granting leave to the petitioner to raise the grievance of encroachment of excess land before the appropriate authority. In the event, such a representation is made by the petitioner, the same shall be considered by the Municipality, strictly in accordance with law.

Exception filed by the petitioner to the affidavit filed by the Municipality is taken on record.

WPA 21519 of 2019 stands disposed of.

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

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(**Amrita Sinha, J.**)