

Court No. 24

05.03.2021

(Item No. 18)

(AB)

W.P.A 7477 of 2020

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CAN 1 of 2020

Ramkrishna Mondal

vs

The State of West Bengal & Ors.

Mr. Mani Sankar Chattopadhyay

Mr. Soubhagya Chatterjee

..... for the petitioner

Mr. Satyajit Talukdar

..... For the respondent Nos. 2-5

Mr. Avirup Chatterjee

..... for respondent No. 8

The petitioner was allotted a plot of land being plot No. 311, Block – “S”, plot type – IV in the Baishnabghata Patuli Township by the Kolkata Metropolitan Development Authority.

The allegation of the petitioner is that on 22nd February, 2020 when the petitioner went to the plot for staying he saw that the private respondents started to reside in the house. The petitioner protested and intimated the authority about the illegal possession of the private respondents. The petitioner submits that the private respondents claim that permission was given to them to reside in the said plot by the Kolkata Metropolitan Development Authority.

The learned advocate representing the Kolkata Metropolitan Development Authority submits that the plot in question was leased out in favour of the petitioner and it is his responsibility to maintain the same.

The learned advocate appearing on behalf of the private respondents claims to be tenants under the petitioner.

It appears from the submissions of the parties that the dispute is an absolutely private and civil one. The same cannot be decided or adjudicated by the Writ Court under Article 226 of the Constitution of India.

The writ petition accordingly fails and is hereby dismissed. The Application being CAN 1 of 2020 is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)