

WPA 9280 of 2020

**Srikanta Dhara
Vs.
The State of West Bengal & Ors.**

ar

Mr. Sounak Bhattacharya
Mr. Sumitava Chakraborty
Mr. Barnamoy Basak
... For the Petitioner

Mr. Swarup Kumar Ghosh
... For the Respondent nos. 2,3 & 4

Mr. Snehasis Jana
... For the Respondent nos. 7 & 8

Affidavit of service filed in Court is retained with the record.

The petitioner is aggrieved by the order passed by the Administrator of Ghatal Municipality on 17th October, 2020 whereby the Municipality was of the opinion that the private respondents had made construction in accordance with the plan sanctioned by the Municipality.

The specific grievance of the petitioner is that the report of the surveyor was not considered at the time of passing the aforesaid order.

It appears from the report of the Administrator that the private respondents were in possession of a land covering an area of 1237 sq.ft. and they had constructed a pucca building after obtaining sanction plan from the Municipality covering an area of 798 sq.ft. only.

According to the petitioner, the private respondents have encroached upon his land and made unauthorized construction over the same.

It appears that the petitioner is aggrieved with the encroachment along with unauthorized

construction.

The encroachment issue cannot be decided by the Writ Court under Article 226 of the Constitution of India. The unauthorized construction in the said encroached portion of the land cannot also be decided by the Writ Court.

In view of the above, the instant writ petition is disposed of by granting liberty to the petitioner to approach the appropriate forum, in accordance with law, for redressal of his grievance, if so advised.

WPA 9280 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)