

WPA 9368 of 2020

Sadhana Saha

- Versus -

The State of West Bengal & Ors.

**Mr. Himangshu Ghosh
Mr. S. Majumdar**

.....For the petitioner

**Mr. Rajarshi Basu
Mr. Biswajit Dutta**

.....For the State

Mr. Sekhar Halder

.....For the respondent nos. 2 to 4

**Mr. Sudip Sarkar
Mr. S. Majumder**

.....for the respondent no. 5

The petitioner complained before the Krishnanagar Municipality alleging that the respondent no. 5 has constructed a stall without permission from the authorities, in front of the land measuring about 862 sq.ft. on LR Dag No. 22006, pertaining to LR Khatian No. 28216, mouza – Krishnanagar, police station – Kotwali, District – Nadia, which belongs to the petitioner. The said shop has encroached into the municipal road, thereby causing obstruction in the ingress and egress of the petitioner to petitioner's residential plot.

Mr. Halder, learned advocate appearing on behalf of the Municipality has filed a report from which it appears that a small temporary tin shed structure has been

erected and the respondent no. 5 runs a shop therefrom. The said stall was installed upon obtaining a verbal permission from the petitioner.

It is further submitted by the Municipality that the road is not a municipal road, but the road is maintained by the P.W.D.

The only contention of the petitioner is that the shop should not obstruct the ingress and egress of the petitioner and the family members of the petitioner, in respect of her residential house.

Learned advocate appearing for the respondent no. 5 submits that the shop is not obstructing the petitioner's exclusive enjoyment of her property and hygiene and cleanliness protocols are maintained.

Having considered the rival contentions of the parties, the writ petition is disposed of with a direction upon the Chairperson, Board of Administration, Krishnanagar Municipality to dispose of the representation of the petitioner dated September 23, 2020 being Annexure – P3 to the writ petition, in accordance with law. Upon hearing the parties, a reasoned order shall be passed and communicated to the parties. The parties shall endeavour to see that the alleged shop should not create any obstruction to the ingress and egress of the petitioner and the dispute can be resolved amicably in accordance with law.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

All parties shall act upon the server copy of this order duly downloaded from the official website of this Court.

(Shampa Sarkar, J.)