

21  
22.01.2021.  
d.p.

**W.P.A 10703 of 2020  
(Via Video Conference)**

**Smt. Anjali Ukil & Anr.  
-versus  
The State of West Bengal & Ors.**

**Mr. Udaynarayan Betal,  
Mr. Sujit Bhuina.**

**...For the Petitioners.**

**Mr. Anami Sikdar,  
Mr. Abhijit Boral.**

**...For the Municipality.**

**Ms. Usha Maity,  
Mr. Sakya Maity.**

**...For the Respondent  
Nos. 6 to 13.**

Affidavit-of-service filed in Court today is taken on record.

The petitioners allege illegal and unauthorized construction of boundary wall by encroaching the public road.

The learned advocate appearing for the private respondents submits that a civil suit is pending between the parties and there is an order of injunction for maintaining status quo.

The learned advocate for the private respondents disputes that the land is a public land. It has been submitted that the boundary wall has been constructed in their private land.

As it appears that there is a dispute with regard to the title of the land in question and an issue of encroachment has been raised, the Municipality will not be the appropriate authority to decide the same.

The parties are relegated to the appropriate forum for declaration of their rights.

The report of the Midnapore Municipality is retained with the records.

The writ petition is dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**( Amrita Sinha, J.)**