

25.07.2022  
Sl. No.54(SL)  
srm

**W.P.A. No. 708 of 2020**  
**Sri Pradip Kumar Mukherjee**  
**Versus**  
**The State of West Bengal & Ors.**

Mr. Dili Kumar Saha,  
Mr. Suman Chattopadhyay  
...for the Petitioner.

Mr. Pantu Deb Roy,  
Mr. Amrita Kumar  
...for the State-respondents.

Affidavit-of-service is taken on record.

The allegation in the writ petition does not survive.

On the basis of the written complaint filed by the petitioner, Nimta Police Station Case No.333 of 2015 dated December 5, 2015 under Sections 448/341/323/427/506/34 of the Indian Penal Code had been registered. Upon completion of the investigation, charge sheet *vide* Nimta Police Station Charge Sheet No.304 of 2015 dated December 27, 2015 under Sections 448/341/323/506/34 of the Indian Penal Code had been filed. The case is now pending trial.

It also appears that pursuant to the order of this Court dated June 18, 2018, a notice was served upon the respondent Nos.5 and 6 by the Chairman, North Dum Dum Municipality to demolish the unauthorised construction on the common

passage, which had obstructed the ingress and egress of the petitioner. The respondent No.5 demolished the said unauthorised construction. The police report indicates that there are no problems with regard to ingress and egress of the petitioner. The police report is taken on record.

The allegation with regard to the construction of the drain, the Chairman of the municipality informed the police authorities that the drain was an underground drain and did not obstruct the ingress and egress of the petitioner.

The contention of the petitioner with regard to the construction of the drain on the land of the petitioner, cannot be decided in the writ petition. The police authorities also cannot be directed by this Court to take steps with regard to the underground drain. The Chairman of the Municipality informed the police that the alleged drain was an underground sewage line and not on the land of the petitioner. The remedy of the petitioner before the appropriate forum, is kept open.

The writ petition is, thus, disposed of without further orders, as prayed for.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**