

M.L. 84
05.07.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 1978 of 2021

**Chandrabati Gayen (Bag) & Anr.
-versus
Uluberia Municipality & Ors.**

**Mr. Anil Kumar Chattopadhyay.
...For the Petitioners.**

**Mr. Gobinda Bandyopadhyay.
...For the Municipality.**

The petitioners allege illegal and unauthorized construction by the respondent Nos. 5 and 6 over the property at Mouza-Bauria, J.L. No. 4, Khatian No. 1036/4, Dag Nos. 1877, 1878, 1879, 1880, 1881, 1882, 1883 and 1884.

Learned advocate appearing for the Municipality submits, upon instructions, that a site inspection was conducted to enquire into the allegation of the petitioner.

It revealed therefrom that the L.R. Dag Nos. 1242, 1243 and 1245 are recorded in the name of Kartick Chakraborty and Ganesh Chakraborty i.e. the respondent Nos. 5 and 6 herein and a plan has been sanctioned by the Municipality on 9th January, 2020 in their favour. The record of rights also stands in the name of the aforesaid persons. The private respondents are constructing within their own portion.

The allegation of the petitioners regarding unauthorized construction without a sanction plan has not been substantiated.

In view of the above, no relief can be granted to the petitioners in the instant petition.

The writ petition fails and is hereby dismissed.

The instruction given by the learned advocate appearing for the Municipality be retained with the records.

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

(Amrita Sinha, J.)