

03.03.2022
Sl. No.29
srm

W.P.A. No. 1735 of 2022

Sanati Mali

Versus

The Asansol Durgapur Development Authority & Ors.

Mr. Bidyuut Kumar Halder,
Mr. Indranil Halder

...for the Petitioner.

Mr. Sharanya Chatterjee,
Mr. Nepesh Majhi

...for the Asansol Durgapur
Development Authority.

Despite service, none appears either on behalf of the Asansol Municipal Corporation or on behalf of the respondent No.4. Affidavit of service is taken on record.

The allegations in the writ petition are that the respondent No.4 has been constantly interfering with the construction work of the petitioner and demolishing portions of the same. There are no allegations either against the Asansol Durgapur Development Authority or against the Asansol Municipal Corporation.

The petitioner prays that a direction be issued upon the Asansol Municipal Corporation to restrain the respondent No.4 from interfering with the construction work.

Records reveal that a title suit is pending between the parties. Thus, according to the Court, the cause of action of the petitioner, as pleaded in the writ petition, does not pursue the Court to invoke the jurisdiction under Article 226 of the Constitution of India. The allegations are of obstructions and violence by the respondent No.4. The remedy of the petitioner would be before the appropriate forum and the other authorities, but the writ Court sitting in this jurisdiction cannot entertain the prayers of the petitioner. No order is passed on the writ petition.

The petitioner is at liberty to proceed in accordance with law.

This writ petition is, thus, disposed of.

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.)