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14.09.2022
d.p.

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

W.P.A 1867 of 2022

**Sri Tarak Prasad Bhowmick
-versus
The State of West Bengal & Ors.**

**Ms. Ananya Neogi,
Mr. Sagnik Chatterjee.
...For the Petitioner.**

**Mr. Ziaul Islam,
Mr. K. Rahaman.
...For the State.**

**Mr. Debayan Ghosh,
Mr. Aziz Amin.
...For the Municipality.**

**Mr. Saptarshi Datta,
Mr. P.K. Paul.
...For the Respondent
Nos. 5 and 6.**

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

The petitioner is aggrieved by the act of the respondent nos. 5 and 6 in making construction by encroaching a portion of the common passage.

The petitioner relies upon an order-sheet of the North Dum Dum Municipality dated 29th August, 2016 wherein it has been mentioned that from the deed, the portion of encroachment could not be ascertained.

The Block Land and Land Reforms Officer's office was requested to engage an 'Amin' to assess the encroachment area.

Learned advocate appearing for the respondent nos. 5 and 6 submits that the construction was over in the year 2009, and that too, on the basis of a plan sanctioned by the North Dum Dum Municipality.

The documents referred to by the petitioner are of the year 2016, 2017.

The issue is regarding encroachment of private property by private parties.

This Court is of the opinion that neither the Municipality nor the Amin of the B.L & L.R.O's office will be the appropriate authority to decide the allegation of encroachment.

It will be open for the petitioner to approach the competent Court for redressal of his grievances, if so advised.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)