

List dt.6.6.22
Item No. 211
21.06.2022
d.p.

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

W.P.A. 2500 of 2020

**Sova Rani Ghosh
-versus
The State of West Bengal & Ors.**

**Ms. Poulami Chakraborty.
...For the Petitioner.**

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

None appears on behalf of the respondents in spite of service.

The petitioner alleges that the respondent nos. 6 and 7 have illegally constructed a boundary wall over the private land of the petitioner.

It appears that the petitioner alleges encroachment by the aforesaid respondents over her private property.

The petitioner approached the Chairman of the Beldanga Municipality by filing representation on 5th November, 2019 and alleges that the said representation has not been considered till date.

The Court is prima facie of the opinion that the Municipality will not be the appropriate forum for

deciding or declaring as to whether there has been any encroachment by the aforesaid respondents over the private land of the petitioner.

Nevertheless, since a prayer has been made for passing a direction upon the Municipality to consider the representation filed by the petitioner, accordingly, the instant writ petition is disposed of by directing the Chairman of the Beldanga Municipality to make a spot inspection and to come to a finding as to whether the allegation of the petitioner is correct or not.

The spot inspection shall be conducted upon prior notice to the petitioner as well as respondent nos. 6 and 7.

The inspection report shall be forwarded by the Municipality to the petitioner as well as the respondent nos. 6 and 7.

Steps shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of a copy of this order and the inspection report be forwarded to the parties immediately thereafter.

It is made clear that the Municipality shall not enter into and decide the private disputes, if any, in between the parties.

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.)