

Item No. 25

20.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 6814 of 2022

Maya Samanta
v.
State of West Bengal & Ors.

Mr. Sandip Kundu
Mr. Debdutta Pathak
... for the petitioner.

Mr. M. Thakur
Mr. Swarup Kumar Ghosh
... for the respondent nos. 2,3 & 4.

Mr. Asit Kumar Bhattacharyya
Mr. Prahlad Chandra Ghosh
Mr. Subir Hazra
... for the respondent nos. 7 & 8.

The petitioner prays for passing an order of demolition by the Ghatal Municipality in respect of the 03 feet & 05 inches (57.24 sq.ft.) which was constructed by the private respondent beyond the approved plan.

The said order was passed by the appellate authority of the Ghatal Municipality on February 20, 2021.

Learned advocate representing the private respondents submits that a Title Suit is pending in between the parties where a prayer has been made for demolition of the said unauthorized construction.

The plaintiff in the suit i.e. the writ petitioner herein did not make any prayer for passing an order of

injunction in the Court below for not making any construction over the said portion of the land.

It appears from the submissions made on behalf of the parties that the disputed portion where the alleged construction of 57.24 sq.ft. has been made is sub-judice in a Title Suit pending before the learned Court below being TS No. 44 of 2017. It will be open for the parties to seek appropriate remedy from the learned Court below.

Any order passed by the learned Court below shall be acted upon by the parties.

There is no requirement of interfering in the matter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)