

Item No. 155(ML)

20.07.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8917 of 2021
Anita Singh
v.
The State of West Bengal & Ors.

Mr. Ujjal Ray
... for the petitioner.

Mr. Somnath Roy
Mr. Abhinaba Roy
... for the respondent nos. 2 to 6.

Mr. Dhananjay Banerjee
... for the respondent no. 7.

The petitioner alleges illegal and unauthorized construction at the instance of the respondent nos. 7 & 8 over the Premises No. 278, Khurigachi Main Road, Mouza-Bhadreswar, P.O. & P.S.-Bhadreswar, Ward No. 21 under the Jurisdiction of the Bhadreswar Municipality.

It appears that there is a Civil Suit pending in between the parties regarding encroachment.

Prior to moving the writ petition, the petitioner did not approach the Municipality with his allegation of unauthorized construction. The petitioner relies upon a representation made way back in February 2015. It appears that, thereafter, the matter was heard by the

Municipality and certain directions were passed on both the parties.

If the petitioner is aggrieved by any act of the private respondents, the same ought to have been brought to the notice of the Municipality prior to moving this Court under Article 226 of the Constitution of India. In the absence of a formal complaint or a representation demanding justice from the respondent authorities, the Municipality will not be in a position to act.

In view of the above, the instant writ petition is disposed of by granting leave to the petitioner to file appropriate representation before the Bhadreswar Municipality. In the event, such a representation is made, the same shall be considered by the Municipality strictly in accordance with law, at the earliest.

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.)