

Sl. No.ML-101
09.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 12066 of 2021

Haji Alamgir Rizvi
Versus
The State of West Bengal & Ors.

Mr. Bidhayak Lahiri
Mr. Md. Kalam
Ms. Bhaswati Lahiri

... for the petitioner

Mr. Achintya Kumar Banerjee
Mr. Tarun Kumar Chatterjee
... for the Kolkata Municipal Corporation

The petitioner complains that the Kolkata Municipal Corporation is not taking steps to clear the obstruction on the six feet wide passage in front of the premises being No.T-210/10,Methatalab (Dakiti Bagan), Police Station –Rajabagan, Post Office-Bartalla, Kolkata-700 018.

The petitioner claims that representation was filed before the respondent authorities praying for removal of the obstruction as the same is causing hindrance in free ingress and egress to the petitioner's premises.

The petitioner complains that the representation has not been considered by the respondent authority.

The petitioner relies upon the order dated 15th December, 2020 passed by a coordinate Bench of this Court in WPA 9505 of 2020 (Iwshrat Parveen vs. State of West Bengal & Ors.) wherein the Court recorded that according to the CESC Limited the six feet wide passage is maintained by Kolkata Municipal Corporation and the water supply pipes of Kolkata Municipal Corporation has been laid through such passage.

Learned advocate representing the Kolkata Municipal Corporation has submitted, upon instruction that, the passage in question is not maintained by the Kolkata Municipal Corporation.

It is the specific contention of the Corporation that the drain underneath the passage is being maintained by the Kolkata Municipal Corporation but not the passage. The pucca public drain in front of the petitioner's premises is fully covered with concrete slab to be used as pathway for public.

None appears on behalf of the respondent nos.9, 10 and 11 despite service.

Affidavit of service filed in Court is taken on records.

As it appears from the submissions made on behalf of the petitioner and the Kolkata Municipal Corporation that the issue of maintaining the six feet wide passage is disputed by the Kolkata Municipal Corporation, accordingly, no direction can be passed by

the Kolkata Municipal Corporation for removal of any obstruction on the said passage.

It will be open for the petitioner to apply before the appropriate forum for adjudication of his dispute.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)