

19.01.2022
Item No.10
srm

W.P.A. No. 12521 of 2021
Abul Hosen Lashkar & Anr.
Vs.
The Chairman/Chairperson, Diamond Harbour
Municipality & Ors.

Mr. Abdul Hamid Molla,
Mr. Abul Hasan Laskar

...for the Petitioners.

Mr. Shyama Prasad Purkait,
Ms. Moumita Mondal

...for the Respondent Nos.1&2.

The allegation in the writ petition is that despite having granted a sanction plan, the municipal authorities of Diamond Harbour Municipality through their men and agents have forcefully entered into the land of the petitioners and stopped the petitioners from effecting the excavation work.

Mr. Purkait, learned Advocate appearing on behalf of the Diamond Harbour Municipality, submits, on instructions, that none of the officials of the municipality had ever entered into the land of the petitioners and the allegations against the municipality are incorrect. He further submits that the municipality cannot be held responsible if outsiders had disturbed the possession of the petitioners and their construction work.

Thus, this Court sitting in writ jurisdiction does not find any reason to interfere in the matter and grant the reliefs, as prayed for. The municipal authorities have not acted contrary to law. The municipal authorities have granted sanction to the petitioners to make their constructions subject to certain conditions. The petitioners are at liberty to construct their work in accordance with law. However, if there are any disputes between the petitioners and some other persons, who are obstructing the petitioners in their work, the remedy of the petitioners is before the appropriate civil court.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)