

01.04.2022
Sl. No. 28
ss

W.P.A. 13898 of 2021
CAN 1 of 2022

Sri Amit Ganguly
Vs.
Rajpur Sonarpur Municipality & ors.

Mr. Debajyoti Barman
Ms. Sanjukta Basu Mallick
... for the petitioner

Mr. Partha Sarathi Bhattacharyya
Mr. Jayanta Kumar Das
Mr. Abdul Masood
Mr. Abdul Marshid
Mr. Raju Bhattacharya
... for the Intervenor

Mr. Debjit Mukherjee
... for the State

Mr. Mir Anuruzzaman
... for the Municipality

This Court has decided to take up the writ petition itself for hearing.

Mr. Bhattacharyya, learned Senior Advocate appearing on behalf of an interested party, seeks to intervene in the proceeding.

The prayer is allowed.

The petitioner alleges that the Rajpur Sonarpur Municipality has been trying to construct a public road over a portion of his premises, situated at R.S. Dag No.2210, of Mouza Kusumba, Police Station Sonarpur in the district of South 24-Parganas. The

petitioner claims to be the owner of a major portion of the said plot of land.

According to Mr. Bhattacharyya, who appears on behalf of a construction company, and claims to be a co-sharer in respect of R.S. Dag No.2210, which is a huge plot, his clients also have an interest in the land in question.

Mr. Mir Anuruzzaman, learned Advocate appearing on behalf of the Rajpur Sonarpur Municipality submits that the municipality has not tried to construct a public road on the plot in question, but a road was existing in the said plot since long. Electric lines have also been laid along such road.

However, this Court is not in a position to decide the factual dispute raised by the parties. This writ petition is disposed of without entering into the claims and counter-claims of the parties.

The Chairman of the Rajpur-Sonarpur Municipality, shall dispose of the objection raised by the petitioner which is annexure P3 at page 47 of the writ petition. While disposing of the said objection, an inspection of the premises shall be held in the presence of all the parties and thereafter upon hearing the interested parties, a reasoned order shall be passed and communicated to all.

The entire exercise should be completed within a period of three weeks from the date of communication of this order.

The question of title or encroachment etc. shall not be gone into by the municipality at the time of hearing.

With the above observations, the writ petition is disposed of.

As a consequence thereof, the application is also disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)