

Item No. 41

23.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 13705 of 2022
Abhijit Dutta

v.

The State of West Bengal & Ors.

Mr. Shyamal Chakraborty
... for the petitioner.

Ms. Rama Halder
Ms. Sanjukta Samanta
... for the State.

Mr. Subhasis Bandopadhyay
... for the Municipality.

Mr. Bijoy Kumar Shaw
... for the respondent no. 7.
Vakalatnama Filing No. A 20638
Dated 21.9.2022.

Mr. Arun Shaw
... for the respondent no. 8.
Vakalatnama Filing No. A 20473
Dated 20.9.2022.

The petitioner complains that the private respondents are making unauthorized construction over his private property without obtaining any sanction plan from the Bardhaman Municipality. Further contention is that the petitioner is making construction over a water body.

Representation filed by the petitioner complaining such unauthorized construction does not mention the holding number and the proper details of the land where the construction is being made.

It appears from the report filed by the police in the 144 CrPC proceeding initiated at the instance of the

petitioner in the learned Court below is that, the primary grievance of the petitioner is encroachment of land by the private parties by forceful dispossession of the petitioner from the land which he claims to be his private property.

The dispute of unauthorized construction is secondary.

The Municipality will not be the proper authority to enter into the dispute of encroachment of private land at the instance of the private parties.

If the petitioner is able to make further representation giving proper details of the unauthorized construction, then necessary steps may be taken by the Municipality. As of now there is no representation with proper details of the unauthorized construction.

Accordingly, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Affidavit-of-service filed in Court today is taken on record.

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.)