

07
23.11.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 15900 of 2022

**Noor Hossain Sk.
-versus
The State of West Bengal & Ors.**

**Mr. R.N. Kali.
...For the Petitioner.**

**Mr. Ziaul Islam,
Mr. A. Salam.
...For the State.**

**Mr. Raghunath Chakraborty,
Mr. M. Ahmed.
...For the Municipality.**

**Mr. Satyajit Talukdar.
...For KMDA.**

The writ petition is in respect of Plot No. 511 under Mouza Chakmir, P.S. Maheshtala.

The petitioner claims to have been running a shop room over the said plot of land after obtaining Trade License and paying the necessary fees before the Maheshtala Municipality.

The petitioner submits that the Municipality all on a sudden without any notice demolished the shop room of the petitioner.

The petitioner relies upon the record of rights annexed at page 45 of the writ petition in support of his

statement that his name is recorded in the said record of rights.

The petitioner submits that he was entitled to a prior notice as even a trespasser could not have been evicted without due process of law.

The petitioner claims either compensation or rehabilitation.

It appears from the records that a hearing was given to the petitioner where the petitioner failed to establish his ownership over the subject land.

It transpires that the land in question is recorded in the government khatian and the government is the owner of the land.

The petitioner prays for setting aside the order passed by the Chairman of the Maheshtala Municipality refusing his prayer for grant of compensation.

Records have been produced before this Court by way of report filed by the Municipality and the Block Land and Land Officer, Thakurpukur Block wherefrom it appears that the land in question is recorded in favour of the government.

The payment of fees and taxes and having a license to continue business does not give any right to the petitioner to occupy the vested land of the government and run the shop room.

In the event the petitioner is aggrieved by the act of the Municipality in demolishing his shop room and

seeks compensation, it will be open for the petitioner to approach the appropriate forum for relief.

The impugned order is not liable to be interfered with.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)