

Item No. 3

15.12.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17201 of 2021
Sk. Rafikul Islam @ Sk. Rafikul
v.
The North Dum Dum Municipality & Ors.

Mr. Kushal Chatterjee
Mr. Suryaneel Das
Mr. Debrup Choudhury
... for the petitioner.

Mr. Sandip Ghosh
Mr. Sudarsan Roy
Mr. Debayan Ghosh
... for the North Dum Dum Municipality.

Mr. Sonal Sinha
... for the State.

The petitioner complains that a Community Hall viz. “Tarun Sengupta Smriti Bhavan” has been constructed on Dag Nos. 148 and 151 in Mouza-Birati, P.S.-Nimta under North Dum Dum Municipality without any sanctioned plan.

Reference has been made to a reply made under the Right to Information Act wherefrom it appears that the community hall is recorded in the name of the North Dum Dum Municipality within the office premises of the North Dum Dum Municipality.

According to the petitioner, the land in question was recorded in the name of the forefather of the petitioner. The Municipality did not have any permission to raise construction thereon.

The petitioner has averred in the writ petition that the construction has been made on private land without acquiring the same in accordance with law.

The Court finds that there is nothing on record to show that the land was forcefully occupied and constructed by the Municipality.

It will be open for the petitioner to approach the appropriate forum for redressal of his grievances in accordance with law with valid documents, if so advised.

No relief can be granted to the petitioner in the instant writ petition on the basis of the averments made therein and the documents annexed thereto.

The writ petitions fails and is hereby dismissed.

The report filed by the Commissioner of Police, Barrackpore dated December 14, 2022 be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)