

07  
15.12.2022  
d.p.

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

**W.P.A 17216 of 2021**

**Shirjul Islam Molla  
-versus  
North Dum Dum Municipality & Ors.**

**Mr. Kushal Chatterjee.  
...For the Petitioner.**

**Mr. Sandip Ghose,  
Mr. Sudarsan Roy,  
Mr. Debayan Ghosh.  
...For the North Dum Dum  
Municipality.**

**Mr. Nemai Chandra Betal.  
...For the Respondent No.5.**

**Ms. Amrita Panja Moulick.  
...For the State.**

The petitioner complains of illegal and unauthorized construction.

It appears from the documents annexed to the writ petition that the petitioner is neither the owner nor the occupier or related to the plot in question.

It has been averred in the writ petition that the land in question has been developed by the recorded owners Biplob Ghosh, Soma Ghosh, Debjani Ghosh and Tandra Ghosh.

The petitioner claims that Nababharat National Institute also has a share in the said plot of land but the above persons did not give any share of

development that has been made in the said premises to Nababharat.

It appears that the said Nababharat National Institute has not been impleaded as party respondent in the present writ petition.

Learned advocate appearing for the respondent No.5 submits, upon instructions, that he happens to be one of the owners of the said plot of land and has made construction thereon on the basis of the plan sanctioned by the Municipality.

It appears that the petitioner is espousing the cause of somebody else who is not made a party in the present writ petition. The said Nababharat has not approached the Court for relief.

The writ petition appears to be thoroughly misconceived. The same fails and is hereby dismissed.

The report filed by the Deputy Commissioner of Police, Detective Department, Bidhannagar Police Commissionerate dated 14<sup>th</sup> December, 2022 is taken on record.

The enquiry by the police may be concluded in accordance with law.

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

**( Amrita Sinha, J.)**