

21.11.2022  
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AN/Ct. No.24

**WPA 17342 of 2022**

**J. J. Enclave Private Limited & Ors.  
versus  
The State of West Bengal & ors.**

Mr. Partha Sarathi Bhattacharyya  
Mr. Abdul Murshid

... for the petitioner

Mr. Mir Anuruzzaman

... for the Rajpur Sonarpur  
Municipality

Mr. Devojjyoti Barman  
Ms. Sanjukta Basu Mallick

... for respondent no. 7

Mr. Sudipta Panda  
Ms. Munmun Tewari

... for the State

The petitioner is aggrieved by the observation made by the Chairman, Rajpur Sonarpur Municipality in the reasoned order dated 22.04.2022.

The matter relates to R.S. Dag no. 2210, Mouza Kusumba, P.S. Sonarpur. The petitioners have made their constructions by the side of the road existing on the aforesaid Dag.

It appears from the reasoned order impugned in the present writ petition that, the Chairman heard the arguments of the parties at length and perused the documents produced by the parties.

The Chairman was of the observation that R.S. Dag no. 2210 measuring about 24 decimals is absolutely a private land and the Municipal authority has not constructed any type of road on the said Dag.

The petitioner apprehends that in the event, the observation that the aforesaid Dag is a private land, then, some person may come forward to assert right in respect of the said Dag in future. The same may cause serious hindrance to the owners who purchased flat in the construction made by the side of the said land.

Learned counsel representing the private respondent submits that the aforesaid Dag is a private property. A Suit for partition in respect of the said Dag is pending construction before the learned Court below.

Learned counsel representing the Municipality asserts that the Municipality did not construct any road over the said Dag as the same is a private land. Learned counsel refers to page 110 of the writ petition which happens to be a part of the order dated 22.04.2022 to show that the land in question is recorded in the names of seven persons mentioned therein.

It appears from the documents annexed to the writ petition that the matter was considered by the Chairman in compliance with the direction passed by this Court in W.P.A. 13898 of 2021 in the matter of Amit Ganguly vs. State of West Bengal & ors.

The Court specifically directed that the question of title or encroachment etc. shall not be gone into by the Municipality at the time of hearing. The Chairman of the Municipality did not enter into the disputed question of title in respect of the property and have disposed of the matter by recording that the Municipality did not construct any public road over the aforesaid Dag.

The Court does not find any infirmity in the order passed by the Chairman of the Municipality. The Court is not inclined to exercise jurisdiction in the matter.

Hence, the writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

**(Amrita Sinha, J.)**