

S/L 30
02.05.2022
Court. No. 19
GB

WPA 20786 of 2021

Apurba Maulik & Ors.
VS
The Kolkata Municipal Corporation & Ors.

Mr. Victor Chatterjee

...for the Petitioners.

*Mr. Jahar Dutta,
Mr. Bipin Ghosh.*

...for the State.

*Mr. Ashoke Kr. Banerjee,
Mr. Alope Kr. Ghosh,
Mr. Arijit Dey.*

...for the K.M.C.

Mr. S.K. Chakraborti.

...for the Respondent Nos.11, 12 & 13.

Affidavit of Service is taken on record. None appears on behalf of the respondent No. 8.

Mr. Chakraborti, learned advocate appears on behalf of the respondent nos.11 to 13 and submits that the construction by the M/s. DPS Construction has been made on a plot, which is their exclusive property and such construction has been made upon permission from the Kolkata Municipal Corporation.

The writ petition has been filed for a direction upon the Kolkata Municipal Corporation to assist the petitioners in removing the constructions and encroachments on the park which is supposedly to be sold to the Corporation in terms of a Division Bench order. The alternative prayer is for release of the money, which has been deposited with the Registrar

Original Side, Calcutta High Court, by the Kolkata Municipal Corporation.

Having considered the disputes between the parties, it appears that the matter with regard to release of money by the Registrar Original Side has been already decided by a Division Bench of this Court and it has been directed specifically that the amount deposited with the Registrar Original Side being the consideration money for the sale of the alleged park, shall be disbursed upon completion of the execution of the deed of conveyance.

It further appears that with regard to the construction of the boundary wall, the parties were directed to sit together and mutually settle the issue by discussion. The prayer for release of the money cannot be granted.

However, the petitioners are at liberty to approach the Corporation and sit with the Corporation for a discussion and find out modalities for construction of the boundary wall upon demarcation of the area to be sold by the petitioner to the corporation.

The Corporation shall play an active role in causing such inspection and demarcation, so that the vendors/petitioners may secure the property to be sold to the Corporation by construction of a fence upon such demarcation. The police authorities shall assist the parties at all stages during such inspection and during such fencing work.

This order is being passed pursuant to the directions issued by a Division Bench earlier upon the Corporation and the petitioners.

As no affidavits have been called for, the allegation against the respondent Corporation and the added respondent are denied. The respondent no.8 is not present, but the Court directs that the inspection and demarcation shall be done also upon notice to the respondent no.8.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)