

Sl. No.12
09.11.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 20574 of 2022

Rabindra Nath Adhikary
versus
The Khirpai Municipality & Ors.

Mr. Mir Anowar

... for the Petitioner.

Mr. Fazlul Haque

Mr. Sanatan Mondal

... for the Respondent No.5.

The allegation of the petitioner is that the private respondent is making construction by encroaching the land of the petitioner.

The allegation of encroachment is denied by the private respondent. It has been submitted that construction has been made in accordance with the plan sanctioned.

The Court is of the opinion that the allegation of encroachment at the time of making construction cannot be decided conclusively either by the Municipality or the Block Land and Land Reforms Officer.

In view of the above, leave is granted to the petitioner to approach the appropriate forum for remedy.

Affidavit of service filed in Court is taken on record.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)