

Item No. 57

20.12.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 20924 of 2022
Shipra Dutta
v.
The Maheshtala Municipality & Ors.

Mr. Amitava Pain
Mr. Subhrangshu Datta
Mr. Partha Pratim Mukherjee
... for the petitioner.

Mr. Anirban Pal
Mr. Subhankar Das
... for the private respondents.

Mr. Raghunath Chakraborty
Mr. Subhrangsu Panda
... for the Municipality.

The petitioner alleges that the private respondents have made construction by encroaching upon the private pathway.

The petitioner complains that the objection filed against such unauthorized construction has not been taken up for consideration by the Maheshtala Municipality.

Learned advocate representing the private respondents denies the allegation of the petitioner.

It has been submitted that the private respondents made construction of a boundary wall over their private property. Allegation of encroachment of private pathway has been denied.

Learned advocate representing the Maheshtala Municipality submits, upon instruction, that an inspection was conducted upon notice to all the parties. During inspection on October 18, 2022 the petitioner as well as the private respondents were present at the site. From the mouza map it appears that there is an existing passage approximately measuring about ten feet to twelve feet in width. Practically it appears that at present the passage is only six to seven feet in width.

The Municipality opined that the width cannot be ascertained by the Mahestala Municipality. The Municipality requires assistance from the BL & LRO for measuring the passage to ascertain the allegation of encroachment.

It appears from the instruction provided by the Chairman of the Municipality that the assistance of the BL & LRO will be required.

Accordingly, the instant writ petition is disposed of by granting liberty to the parties to approach the concerned BL & LRO with prayer for measurement of the passage/pathway as per the mouza map.

The BL & LRO shall take necessary steps in the matter if approached by the parties.

The writ petition stands disposed of.

The instruction given by the Maheshtala Municipality be retained with the records.

Affidavit-of-service filed in Court today is taken on record.

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.)