

Item No. 27

29.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 21242 of 2022

Sri Ratan Bhattacharya
-versus
The State of West Bengal & Ors.

Mr. M.P.Gupta
Mr. Dilip Kumar Saila.
...For the Petitioner.

Mr. Tapas Kumar Ghosh
Mr. Tanmoy Chowdhury.
...For the Respondent No.2.

Mr. Jahar Dutta
Mr. Bipin Ghosh
... for the State.

Mr. Meghnad Dutta
Ms. Nasreen Islam
...for the respondent no. 5.

Mr. Souma Bhattacharya
Mr. Atanu Bhattacharya
... for the respondent nos. 6 to 10 and 12 to 17.

The petitioner apprehends that the private respondents will execute the demolition work by dismantling the common wall which exists since 1946 and finds mention in the deed of partition in between the parties.

The Board of Councillors, Hooghly-Chinsurah Municipality has passed order on 2nd September 2022 specifically mentioning that the dismantling work may continue in the holding leaving the existing common wall approximately 24 inches.

The petitioner does not have any objection if the dismantling work is done without touching the common wall of 24 inches.

Learned advocate representing the private respondents undertakes before this Court that they will not touch the common wall at the time of execution of the dismantling work.

A report has been filed by the engineers of the Hooghly-Chinsurah Municipality upon spot inspection of the premises wherein it has been mentioned that the engineers did not notice any kind of demolition in the common wall. The South-East portion of the boundary had been demolished prior to the first date of inspection i.e. August 22, 2022.

It is made clear that the parties are restrained from dismantling the 24 inches common wall that is existing in the premises as mentioned in the deed of partition.

As the writ petition is being disposed of without calling for any affidavits, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

The writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)