

21.12.2022
Court No.24
Item No.55
AP

WPA 21634 of 2022

**Anil Krishna Ghosh
Vs.
The State of West Bengal and Ors.**

Mr. Pratick Sardar

... For the Petitioner.

Mr. Tarun Ghosh
Mr. Abdus Salam

... For the State.

Ms. Sima Chakraborty
Ms. Suranjana De Sarkar

... For the KMC.

Mr. Mukteswar Maity
Mr. Debes Kumar Misr

... For the Respondent Nos.8, 9 & 10.

Affidavit of service filed in Court is taken on record.

The grievance of the petitioner is that the private respondents have made construction by encroaching upon the land of the petitioner without a proper sanctioned plan.

The petitioner made representations before the Executive Engineer of the Corporation specifically mentioning that construction was being made without obtaining any plan sanctioned from the Corporation.

It appears from the representation that civil suit being Title Suit No.837 of 2022 between the parties is pending consideration before the learned Court below.

The petitioner prays for a direction upon the Kolkata Municipal Corporation for considering the objection filed by him.

Learned advocate representing the private respondents submits, upon instruction that, construction has been made in accordance with the plan sanctioned.

A report has been filed before this Court by the learned advocate representing the Kolkata Municipal Corporation signed by the Assistant Engineer (Civil) and the Executive Engineer (Civil), Building Department, Borough XII wherein it is mentioned that the complaint of the petitioner was acted upon and an inspection was conducted.

The report reveals that new construction work was going on at the subject premises. It was found that a G+3 storied residential building has been sanctioned by the Corporation and the construction was found to be made as per the said plan sanctioned within the boundary of the sanctioned plan. Presently the building is complete and plastering work is going on. At the time of sanction of the plan, the premises was butted and bounded by boundary wall which was also found at site at the time of inspection in November 2022.

From the report placed before this Court, it appears that the allegation of the petitioner regarding unauthorized construction remains unsubstantiated.

As the petitioner complains that construction has been made by encroaching the land of the petitioner, accordingly, it will be open for the petitioner to approach the appropriate forum challenging the

encroachment made by the private respondents at the time of making construction.

No further relief can be granted to the petitioner in the instant writ petition.

The writ petition stands disposed of.

Instruction given by the engineers of the Kolkata Municipal Corporation be retained with the records.

All parties shall act on the server copy of this order duly downloaded from the official website of this Hon'ble Court.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)