

Item No. 23

9.11.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 21924 of 2022
Smt. Sandhya Banerjee
v.
The State of West Bengal & Ors.

Mr. Abhishek Banerjee
... for the petitioner.

Mr. Santanu Kumar Mitra
Mr. Mirza Kamruddin
... for the State.

Mr. Nilanjan Bhattacharjee
Mr. Abhilash Chatterjee
Mr. Arpan Guha
Mr. Saikat Dey
... for the respondent no. 17.

Mr. Sandipan Banerjee
Mr. Sobhan Majumder
Mr. Ankit Sureka
... for HMC.

The petitioner is aggrieved by the inaction on the part of the Howrah Municipal Corporation to consider the representation filed by him for cancellation of the plan sanctioned in favour of the private respondent.

The petitioner submits that the private respondent does not have any right and authority to construct over the entire plot of land as the petitioner happens to be a co-owner of the said plot of land.

The private respondent submits that construction is being made in accordance with the plan sanctioned by the Howrah Municipal Corporation.

The learned advocate representing the Corporation submits that plan has been sanctioned relying on the documents submitted before the Howrah Municipal Corporation.

It appears from the submissions made on behalf of the parties that the petitioner claims to be a co-owner of the subject plot and is aggrieved by the act of the private respondent in making construction over the entire plot of land. It has been submitted that a Suit is pending consideration between the parties for declaration of their rights. The right of the petitioner over the plot in question is under a cloud.

The Corporation will not be the appropriate authority to adjudicate the private rights of the parties.

The petitioner will be at liberty to approach the appropriate forum for necessary relief, if so advised.

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

The writ petition stands dismissed.

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.)