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23.12.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 26037 of 2022

**Samaresh Dutta
-versus
Kamarhati Municipality & Ors.**

**Mr. Krishna Das Poddar.
...For the Petitioner.**

**Mr. Soumya
...For the Kamarhati Municipality**

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

The petitioner apprehends that the private respondents have accumulated bricks for making construction without obtaining any sanction from the Kamarhati Municipality.

Learned advocate appearing for the Municipality submits, upon instructions, that after receiving the application from the petitioner an inspection was conducted and it transpired that certain stray bricks were accumulated at the site which may belong to either the petitioner or the private respondents.

It has been submitted that the land is recorded in the name of the predecessor-in-interest of the petitioner as well as the private respondents.

The land in question is yet to be partitioned by metes and bounds. No application seeking sanction has been submitted before the Municipality by either of the parties, till date. No new construction has been observed at the time of inspection.

In view of the aforesaid submission, it appears that as of now, no construction has been made by the private respondents.

It will be open for the petitioner to raise objection as and when construction is being made at the subject premises without obtaining any sanction plan.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)