

Sl. No.9
01.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 11100 of 2020

Taj Bibi

v.

The State of West Bengal & Ors.

Mr. Younush Mondal

... for the petitioner

Mr. Alok Kumar Ghosh

Mr. Subhrangsu Panda

... for the Kolkata Municipal Corporation

Mr. Sk. Jayed Hossain

... for the respondent nos.8, 11 & 12

Learned advocate representing the respondent nos.8, 11 & 12 has filed his Vakalatnama in the department vide filing No.A-11828 dated 01.07.2022.

The department is directed to tag the Vakalatnama with the records of the present case.

The petitioner alleges illegal and unauthorised construction being carried out by the private respondent over plot Nos.135, 213 and 216 in the District of South 24 Parganas, P.S. Raja Bagan, Mouza-Garden Reach.

According to the petitioner the aforesaid plots of land are water bodies.

The petitioner raised grievance before the Kolkata Municipal Corporation and alleges that the

said representation has not been taken up for consideration till date.

Learned advocate representing the private respondent denies the allegations of the petitioner. It has been submitted that the construction has been made over the personal plot of the private respondent nos.8, 11 and 12 in accordance with the plan sanctioned by the Kolkata Municipal Corporation.

From the averments made in the writ petition and the documents annexed thereto, it appears that the description of the land where the illegal construction is alleged to be made is not specifically mentioned either in the body of the writ petition or the documents annexed thereto.

The authorities of the Kolkata Municipal Corporation have also not been properly impleaded in the cause title of the writ petition. The entire writ petition appears to be a defective one. The premises number of the land where the construction is alleged to be made is also not mentioned in the writ petition. Without proper identification of the property in question, it will be impossible for the Corporation to take steps in response to the complaint filed by the petitioner.

In view of the above, the writ petition stands dismissed.

Dismissal of the writ petition will however, not stand in the way of the petitioner to file fresh proceeding on the self same cause of action upon proper and better particulars, if so advised.

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

(Amrita Sinha, J.)