

07.03.2022
Court No. 19
Item no.19
CP

WPA No. 11183 of 2020

Manika Saha
Vs.
The Panihati Municipality & ors.

Mr. Sri Kumar Sinha
Mr. Gaurav Das
Mr. Nepesh Majhi

.....for the petitioner.

Mr. Bikash Kumar Chatterjee

....for the respondent nos. 1, 2 & 3.

Supplementary affidavit filed in court today be kept with the records.

The petitioner complains of some aggressive and violent actions of the respondent no. 5 who is an adjoining owner to the premises of the petitioner situated at E-5, Purbasha, Post Office - Natagarh, Police Station – Ghola, District – North 24-Parganas, Kolkata – 700113.

The allegations are that while constructing on the adjoining premises, the respondent no. 5 had caused damage to the boundary wall of the petitioner and also encroached into some portions. The complaints dated November 27, 2020 and December 3, 2020 contain allegations of assault and threat to cause serious harm and destruction to the petitioner,

her family members and her property. Complaints have also been lodged with the police authorities.

From the pleadings, the court does not find that there are any specific allegations of unauthorized constructions or of constructions in violation of the building rules. It is also a fact that the building has been completed. Thus due to insufficient pleadings and lack of material particulars the court chooses not to invoke its writ jurisdiction.

If in future, the petitioner complains of unauthorized constructions, the petitioner may approach the appropriate authority in accordance with law, with specific details and pleadings of their allegations.

The writ petition is disposed of without any orders.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)