

ORDER SHEET

W.P.O. No. 967 of 2022

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

Amrik Singh Saini.
Versus
The State of West Bengal & Ors.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 1st March, 2022.

Mr. Raghunath Chakraborty with Ms. Sonali Ghosh Basu
& Ms. Sonali Sengupta, Advs
...for the petitioner

Mr. Debjit Mukherjee with Ms. Sucharita Roy
& Ms. Susmita Chatterjee, Advs
... for the State

Mr. Biswajit Mukherjee with Mr. Anand Formania, Advs.
... for KMC

Mr. Saurav Chaudhury, Adv.
... for respondent no.8

The petitioner alleges that the Kolkata Municipal corporation and its men and associates entered into premises no. 1H, Bindu Basini Street, Kolkata – 700027 when the petitioner tried to raise a boundary wall. Such allegation has been vehemently opposed by Mr. Mukherjee, learned Advocate for the Corporation. It is submitted that as per the rules, there is no requirement to obtain permission for construction of a boundary wall

upto a height of 3 metres. Occasion had never arisen for the Corporation to visit the premises of the petitioner to obstruct the construction of the boundary wall.

It is submitted by Mr. Chaudhury, learned Advocate appearing for the respondent no.8 that the Civil Court has granted an injunction, restraining the petitioner from making any construction in front of the scheduled property being premises no.B/3A/H/13, Bindu Basini Street, Kolkata and as such the petitioner's prayer for permission to construct a boundary wall cannot be allowed.

When the Corporation has not opposed the construction of any boundary wall upto 3 metres in height over the premises of the petitioner, nothing remains to be decided in this writ petition. The private disputes between the parties have to be settled before the learned Civil Judge (Junior Division), 6th Court at Alipore in Title Suit No.712 of 2021. The order of injunction pertains to the suit property, namely B/3A/H/13, Bindu Basini Street, Kolkata.

The prayer of the petitioner before this Court for a direction upon the Corporation to grant permission for construction of a boundary wall, need not be entertained as the law does not provide for obtaining such permission.

The police authorities have filed a report. Let the same be taken on record.

With the above observations, the writ petition being WPO 967/2022 is disposed of.

(SHAMPA SARKAR, J.)