

Item No.47

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

13.06.2023
Ct-24

WPA 1181 of 2023
Smt. Mita Bakshi & Anr.

v.

The Chairman, Serampore Municipality & Ors.

Mr. Sudipta Kumar Bose
Ms. Lipika Nath
Mr. Gourav Singha
... for the petitioners.

Mr. Sourav Sen
Ms. A. Chakraborty
Mr. Sayantan Rakshit
... for the private respondents.

Mr. Jagabandhu Roy
Mr. Gautam Lahiri
... for the Municipality.

The petitioners allege illegal and unauthorized construction at the instance of the private respondents over the common passage of the property by making illegal construction of gates, walls and iron grills.

Learned advocate representing the private respondents denies the aforesaid submission. It has been submitted that the grills have been placed over the private property of the private respondents. No construction in any manner whatsoever has been made over the common passage as alleged or at all.

Learned advocate representing the Municipality submits that it is not possible for the Municipality to

enter into or decide any private dispute(s) between the parties.

The Inspector-in-Charge, Serampore Police Station, Chandernagore Police Commissionerate, Hooghly has filed a report before this Court signed on February 6, 2023 wherefrom it appears that in response to the complaint lodged, the police have taken steps and have submitted charge sheet against the petitioner Mita Bakshi and her husband Subhra Kanti Bakshi.

From the submissions made on behalf of the parties and upon perusal of the materials on record it appears that there are several private disputes in between the parties. The Municipality will not be the Competent Authority to decide or adjudicate any private disputes in between the parties.

It will be open for the aggrieved party to approach the appropriate civil forum for declaration of their private rights.

In view of the above, no relief can be granted to the petitioners in the instant writ petition.

The writ petition fails and is hereby dismissed.

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.)