

Item No.53

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

16.06.2023
Ct-24

WPA 5371 of 2023
Smt. Papiya Mazumder (nee Kirtania) & Ors.
v.
New Barrackpore Municipality & Ors.

Mr. Indrajit Biswas
... for the petitioners.

Mr. Udayan Datta
... for the Municipality.

The grievance of the petitioners is that the Municipality is forcefully making construction on the private land of the petitioners.

It appears from the documents annexed to the writ petition that the petitioners did not file any formal objection before the Municipality highlighting their grievances.

Learned advocate for the petitioners refers to a notice of hearing which allegedly was issued on receipt of the verbal complaint from the petitioners.

Learned advocate for the petitioners submits that despite the objection filed before the Municipality steps have not been taken in the matter.

Learned advocate representing the New Barrackpore Municipality submits, upon instruction that, the land over which the road has been constructed does not belong to the petitioners.

It appears from the submissions made on behalf of both the parties that the petitioners are yet to lodge formal objection giving details of the land over which the alleged unauthorized construction has been made.

The Municipality has disputed that any construction has been made over the private land of the petitioners. In such a situation, it will not be possible for the Court to pass any mandatory order in the matter.

Leave is granted to the petitioners to file appropriate objection before the Municipality giving details of the land where the alleged construction has been made by the Municipality.

In the event such a representation is made, the same shall be considered by the Municipality in accordance with law after giving reasonable opportunity of hearing to all the necessary parties.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

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.

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(Amrita Sinha, J.)