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16.06.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 5864 of 2023

**Sri Bibhas Das @ Bibhas Chandra Das
-versus
The State of West Bengal & Ors.**

**Mr. Sanjib Bandopadhyay,
Mr. Biswajit Dutta,
Mr. Monoj Kumar Mondal.
...For the Petitioner.**

**Mr. S.M. Hassan,
Ms. Anupama Yasmin.
...For the Municipality.**

**Mr. Rama Prasad Sarkar,
Ms. Debarati Sen Bose.
...For the State.**

The petitioner complains that the private respondents have made construction by encroaching the private land of the petitioner.

It appears that the Haldia Municipality afforded opportunity of hearing to both the parties and held spot inspection to ascertain the allegation of the petitioner.

The Municipality was of the opinion that there has been no encroachment and rejected the complaint of the petitioner.

The petitioner is aggrieved by the same.

According to the petitioner, the sketch which was prepared at the time of spot inspection was not properly considered by the Municipality.

Learned advocate appearing for the Municipality has also produced a hand sketch map in support of the submission that there has been no encroachment at the time of raising construction.

None appears on behalf of the private respondents.

From the documents placed before this Court and upon hearing the submissions made on behalf of both the parties, it appears that there are several disputed questions of facts involved in the writ petition. The disputes cannot be resolved without taking evidence.

The writ court will not be the appropriate court to decide the issue.

The Municipality will also not be the appropriate authority to enter into the private disputes for the purpose of adjudication of the private rights of the parties.

In view of the above, the writ petition is disposed of by granting liberty to the petitioner to approach the appropriate forum for declaration of his private rights in accordance with law.

The report by the Block Land and Land Reforms Officer, Sutahata-I, Purba Medinipur dated 3rd January, 2023 filed by the learned advocate representing the Municipality is taken on record.

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.

(Amrita Sinha, J.)