

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

W.P.A 6199 of 2023

**Raju Samanta
-versus
The Tamluk Municipality & Ors.**

**Mr. Supriyo Chattopadhyay,
Mr. Samaresh Chandra Dhara.
...For the Petitioner.**

**Mr. Gopal Chandra Das.
...For the Tamralipta Municipality.**

**Ms. Somoshree Saha.
...For the Respondent No.7.**

The second report by the Municipality is placed on record signed by the Sub Assistant Engineer, Tamralipta Municipality on August 24, 2023.

It appears therefrom that site inspection was conducted for the second time and it was revealed that the petitioner Raju Samanta constructed GI sheet shed with brick pillar and wooden roof truss at South side of the plot and North side is open.

As the petitioner Raju Samanta did not submit the documents in connection with the land over which he raised construction, the Municipality is not in a position to ascertain the ownership of the land.

The report further mentions that the West side bamboo fencing has been constructed by the private

respondent Mr. Sambhu Samanta over the irrigation acquired land. Municipality is not the owner of the said plot.

Specific submission of the petitioner is that unauthorised construction has been made by the private respondent and the Municipality is not taking steps to deal with the same.

Two successive reports of the Municipality mention about bamboo fencing constructed by the private respondent. There is no mention of construction at the end of the private respondent.

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

The writ petition fails and is hereby dismissed.

Dismissal of the writ petition will not stand in the way of either of the parties to take steps to approach the competent Court for obtaining necessary relief, if so advised.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)