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Ct
No24
AGM

01.05
2023

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

WPA 6347 of 2022

**Mani Mohan Mondal
Vs
The State of West Bengal & Ors.**

**Mr. Golam Karim Chowdhury
... for the petitioner.**

**Mir Anuruzzaman
... for the Municipality.**

**Ms. Ananya Neogi
... For the State.**

The petitioner complains that the private respondent is encroaching upon the common passage and carrying on construction work.

The representation filed by the petitioner before the Rajpur Sonarpur Municipality is pending consideration.

On a perusal of the objection filed by the petitioner before the Municipality, it appears that the dispute in question is regarding encroachment of common passage.

The Municipality will not be the appropriate authority to decide the issue of encroachment of common passage.

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

The writ petition stands dismissed.

Dismissal of the writ petition will however not stand in the way of the petitioner to approach the appropriate forum for relief in accordance with law, if so advised.

Report filed by the Inspector-in-charge, Sonarpur Police Station, Baruipur Police District signed on 27th April, 2022 be retained with the records.

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

(Amrita Sinha, J.)