

332  
05.10.2023  
d.p.

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

**W.P.A 6321 of 2020  
IA No. CAN 1 of 2020  
Old No. CAN 4834 of 2020  
CAN 3 of 2020  
CAN 4 of 2020**

**Pallab Mohan Chakraborti  
-versus  
The State of West Bengal & Ors.**

**Mr. Pallab Mohan Chakraborty.  
...Petitioner in person.**

**Mr. Gautam Lahiri.  
...For the Municipality.**

**Mr. Ritesh Kumar Ganguly.  
...For the Respondent  
No. 5.**

The petitioner seeks declaration of a strip of land in between the premises of the petitioner and the private respondent as a public street.

Learned advocate appearing for the private respondent no.5 submits that the land is not a public street.

Learned advocate appearing for the Municipality denies the contention of the petitioner.

The petitioner relies upon various documents in support of his submission that the land in question was all along used by the general public for time immemorial.

It appears from the submissions made on behalf of all the parties that there are several disputed questions of facts involved in the present writ petition which cannot be adjudicated by the writ Court.

Neither the Municipality nor the private respondent be the appropriate authority or person to declare the said land as public street. Evidence is required to be taken for such declaration.

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

The writ petition stands disposed of granting liberty to the petitioner to approach the appropriate civil forum for declaration of the said right.

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

**( Amrita Sinha, J.)**