

Item No.237

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

27.09.2023
Ct-24

WPA 9267 of 2023
Tammanya Bibi
v.
The Medinipur Municipality & Ors.

Mr. Amitava Pain
Mr. Debnath Mahata
... for the petitioner.

Mr. Sujay Bandyopadhyay
Mr. Jagajyoti Das
Mr. Pradipta Siddhanta
... for the Municipality.

Mr. Nanigopal Chakraborty
... for the respondent no.5.

Perused the report filed by the Municipality. It appears therefrom that a spot inspection was conducted upon notice to all the parties. The Sub-Assistant Engineer along with other engineers and officers of the Midnapore Municipality were present at the time of spot inspection.

It revealed that the building in question has several well furnished running shops. Neither any playground nor any children in the vicinity of the said building was found. The building was found to be located in a thickly populated business area. Condition of the building cannot be said to be a dilapidated one.

In view of the report filed by the Municipality, the contention of the petitioner that the building is in a ruinous and dilapidated condition remains unsubstantiated.

The petitioner, however, disputes the contention of the Municipality.

Disputed question of facts cannot be looked into or decided by the Court.

No relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

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

Sh

(Amrita Sinha, J.)