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Ct No 2023
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AGM

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

WPA 10368 of 2023

**Rohit Kumar Sur
Vs
The State of West Bengal & Ors.**

Mr. Sounak Bera
Ms. Gargi Acharyya

... For the Petitioner.

Mr. Sayan Singh

... For the Bongaon Municipality.

The petitioner complains that the Municipality is raising illegal and unauthorised construction over his private property.

The petitioner has annexed the title deed of the disputed property wherefrom it appears that the portion of the land, which the petitioner claims to be his private land, is actually the land of the Municipality.

The Municipality has forwarded instruction to the learned advocate annexing a copy of the communication dated May 8, 2023 addressed to the Chief Engineer and Regional Officer, Ministry of Road Transport, Department of Roads, Transport & Highways wherein the Municipality has disclosed its intention to beautify the area in question to prevent visual pollution and illegal encroachment in the land, which is absolutely by the side of the National Highway.

The communication clearly mentions that there are

illegal encroachers of the land of the National Highway where constructions have been made based on false and fabricated documents.

From the submissions made on behalf of the parties and upon perusal of the materials of record, the Court is not convinced with the submission made on behalf of the petitioner that he is the sole and absolute owner of the land in question. The ownership of the petitioner in respect of the said land is disputed.

The receipt showing mutation and deposit of tax in respect of the subject property is not the indication of title or ownership. Mutation is merely meant for identifying the person primarily liable to pay tax.

As the Court is not convinced with the ownership of the petitioner in respect of the land in question, accordingly, there is no scope to entertain the writ petition.

The writ petition fails and is hereby dismissed.

Instruction provided by the Bongaon Municipality be retained with the records.

Dismissal of the writ petition will however not stand in the way of the petitioner from approaching the appropriate forum seeking declaration of ownership right/title in respect of the subject property.

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

(Amrita Sinha, J.)