

Item No.245

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

03.10.2023
Ct-24

WPA 13857 of 2023
Azad Sk
v.
State of West Bengal & Ors.

Mr. Rameshwar Sinha
... for the petitioner.

Mr. C. Ghosh
Mr. Kuntal Ray
... for the respondent no. 7.

Ms. Mitali Mukherjee
Mr. Hemanta Kumar Das
... for the State.

The petitioner complains of illegal and unauthorized construction at the behest of the private respondent. Allegation is that the construction is being made without leaving the mandatory side open spaces.

Learned advocate representing the private respondent submits that a civil suit by and between the parties is pending consideration before the learned Court below. The learned Court was pleased not to pass any order of interim injunction.

It appears from the order passed by the learned Court below in TS No. 76 of 2023 that submission of the plaintiff being the petitioner herein that the defendant is trying to make construction encroaching upon the land of the plaintiff was taken into consideration. Upon perusal of all the documents, the learned Civil Court was pleased to refuse the order of injunction as sought for.

In the present writ petition it appears that the petitioner has raised the same issue regarding encroachment of land at the time of raising construction by not leaving the mandatory side open spaces.

This Court is of the opinion that the Pradhan will not be the competent authority to decide the issue of encroachment.

It will be open for the petitioner to approach the learned Civil Court for remedy.

The writ petition stands disposed of.

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

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(Amrita Sinha, J.)