

30-01-2023
ct no. 13
Sl.511
sp

WPA 15809 of 2021
Shri Chitta Ranjan Debnath
-Versus-

The State of West Bengal & Ors.

Mr. Pinaki Bhattacharyya,
Mr. Amartya Mohan Bhattacharyya
....for the petitioner

Mr. Dilip Kumar Shyamal,
Mr. Gourab Ghosh,
Mr. Koushik Banerjee
....for the respondent no. 6

The petitioner complains that the private respondents are effecting construction after encroaching upon his land. Reference is made to an order of injunction passed by the learned Civil Judge (Senior Division), 7th Court, Alipore in Title Suit No. 557 of 2021.

The petitioner complains that the construction by the private respondents is in violation of such Civil Court's order.

The Parnasree Police Station has submitted a report in the form of instructions, addressed to the learned State Advocate, dated January 23, 2023, which is taken on record.

It appears that the KMC has issued a notice under Section 401(1) of the KMC Act, 1980 indicating that the private respondents and/or their agents

have constructed outside the scope of the sanctioned plan.

Counsel for the private respondent no. 6 submits that he has no control over the promoter/agent.

In those circumstances, the entire construction of the property in question shall cease forthwith. The construction shall abide by ;

(a) the formal clearance, withdrawal of the notice and regularization if possible, of sanction plan by the KMC in respect of the said property,

(b) the modification of order of injunction and/or any other order that may be passed by the Court below.

The Parnasree Police Station shall strictly enforce this order and any order of the Civil Court. Communicate this order and a detailed inspection report on the property along with any other details to the Court below, within a period of one week from date.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

