

08
31.01.2023
d.p.

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

W.P.A 17100 of 2021

**Pinaki Ghosh
-versus
The State of West Bengal & Ors.**

**Mr. Ridhiman Mukherjee.
...For the Petitioner.**

**Mr. Keshab Chandra Das,
Ms. Aparajita Mondal.
...For the Municipality.**

**Ms. Sutapa Sanyal,
Ms. Susnita Saha.
...For the State.**

**Mr. Sankar Prasad Dalapati,
Mr. Sourav Mondal.
...For the Respondent No.6.**

**Mr. Supratim Dhar,
Mr. Dhananjay Nayak.
...For the Respondent No.7.**

The petitioner complains that the private respondents constructed boundary wall by encroaching the private land of the petitioner.

The petitioner complains that the representation filed before the Municipality has not been considered.

Learned advocates appearing for the private respondents submit that the boundary wall was constructed in accordance with law. The allegation of encroachment has been denied.

I have heard the parties.

I am of the opinion that the Municipality will not be the competent authority to decide the issue of encroachment. The petitioner ought to ventilate his grievances before the appropriate forum.

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

The writ petition, accordingly, fails and is hereby dismissed.

Dismissal of the writ petition will, however, not stand in the way of the petitioner from approaching the competent forum to highlight his grievances, in accordance with law, if so advised.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)