

Item No.5

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

27.03.2023
Ct-24

WPA 17235 of 2021
Sk. Rafikul Islam @ Sk. Rafikul
v.
The North Dum Dum Municipality & Ors.

Mr. Suryaneel Das
Mr. Chiranjit Pal
... for the petitioner.

Mr. Sudarsan Roy
... for the North Dum Dum Municipality.

The petitioner complains of illegal and unauthorized construction. A report has been filed by the North Dum Dum Municipality clearly mentioning that no unauthorized construction has been detected. The petitioner though intended to file an exception to the said report, but in spite of opportunity granted to file the same, the petitioner failed to do so on repeated occasions. Today also time has been sought for filing the exception to the report.

The Court is not convinced with the submission made on behalf of the petitioner. It appears that in respect of the same plot an earlier writ petition was filed by a separate litigant alleging unauthorized construction. Order was passed by the learned single Judge dismissing the writ petition wherefrom an appeal was carried to the Hon'ble Division Bench and the Hon'ble Division Bench was pleased to affirm the order passed by the learned single Judge. Copy of the orders passed by the learned single Judge and the Hon'ble

Division Bench are annexed to the report filed by the North Dum Dum Municipality.

It appears from the documents available on record that the allegation of the petitioner of unauthorized construction remains unsubstantiated.

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.)