

ML 144
24.01.2023
d.p.

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

W.P.A 17286 of 2021

**Ananta Kumar Maiti
-versus
The Tamralipta Municipality & Ors.**

**Mr. Shuvanil Chakraborty,
Mr. Ratul Das.
...For the Petitioner.**

**Mr. Ayan Banerjee,
Mr. Arindam Chatterjee.
...For the Respondent No.4.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner raises an issue with regard to the laying of the pipelines by the private respondent No.4. According to the petitioner, he is the owner of the plot of land and the private respondent forcefully laid the pipelines through the said plot of land.

Objection was raised before the Tamralipta Municipality but no steps were taken by the Municipality to redress the grievances of the petitioner.

Learned advocate appearing for the private respondent No.4 submits, upon instructions that, the land in question is under the occupation of the private respondent.

The private respondent claims that the said portion of land falls within his purchased land and he purchased the said land prior to the alleged purchase by the petitioner.

From the submission made on behalf of the petitioner and the private respondent, it appears that there is a dispute with regard to the title of the land under which the pipeline has been laid.

The Municipality will not be the proper authority to decide the said issue.

The parties will be at liberty to approach the competent Civil Court for declaration of their ownership rights over the land under which the pipeline has been laid.

No further relief can be granted to the petitioner in the instant case.

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.

(Amrita Sinha, J.)