

Item No.38

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

16.06.2023
Ct-24

WPA 16594 of 2022
Sri Shyam Pandit
v.
The State of West Bengal & Ors.

Mr. Achyut Basu
Ms. Punam Basu
Mr. Srikumar Chakraborty
... for the petitioner.

Ms. Sima Adhikari
Mr. Kakali Naskar
... for the State.

Mr. Atanu Biswas
... for the respondent nos. 4 & 5.

Mr. Kaushik Chatterjee
Mr. Bikram Basak
... for the respondent no. 9.

A report has been filed by the Kalna Kunicipalaity signed by the Chairman on May 29, 2023. An enquiry report and photographs are annexed with the said report.

It appears that a spot enquiry was conducted upon notice to all the parties. During inspection it was found that no encroachment in the municipal concrete road has been caused at the instance of the private respondents. Only two steps, on the flank of the concrete road have been made and the same is on private property. There is no unauthorized construction and there is no obstruction on the part of the private

respondents in the ingress and egress of the petitioner's property.

I have perused the report and the photographs annexed thereto. It does not appear that any unauthorized construction has been made.

The police has filed a report which clearly mentions that there is approximately ten feet wide road in front of the petitioner's premises and the ingress and egress of the petitioner's property is not blocked at all.

In view of the aforesaid reports, the submission of the petitioner that there has been unauthorized construction by blocking the ingress and egress of the petitioner's private property, cannot be substantiated. It will be open for the petitioner to approach the appropriate forum for remedy for adjudication of any private dispute in between the parties infringing private rights.

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.

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(Amrita Sinha, J.)