

Item No. 18

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

10.01.2023
Ct-24

WPA 17658 of 2021
Alivia Ghosh

v.

The State of West Bengal & Ors.

Mr. Hare Krishna Halder
Mr. Debasis Sur
Mr. Himadri Sekhar Paul
Mr. Dilip Kumar Das
... for the petitioner.

Mr. P.K. Bhattacharya
... for the State.

Mr. Gautam Lahiri
... for the respondent nos. 2 to 4.

The petitioner alleges that the private respondent has raised illegal and unauthorized structure over the common passage by obstructing ingress and egress of the building in question.

The learned advocate representing the Municipality has filed the enquiry sheet signed by the Inspecting Officer on December 17, 2021 wherein it has been mentioned that the private respondent is carrying on a business from a temporary table from 5 p.m. to 8 p.m. since she does not have any other option to meet the daily expenses of her family in view of the pandemic. The stall is being run on temporary basis and is removed everyday after the business hours. The stall is being set without creating any disturbance to any other flat-owners or the neighboring people of the locality.

The said enquiry was conducted after serving the notice of enquiry upon all the parties.

It appears from the averments made in the writ petition and the annexures thereto that the petitioner has not given any details of the alleged unauthorized construction made.

The Municipality has enquired the matter and it was found that a temporary table is being used for a business from 5 p.m. to 8 p.m. and the same is removed thereafter. The same cannot be taken as an unauthorized construction.

There is hardly any construction made at the instance of the private respondent.

In view of the above, no order is required to be passed in the present writ petition.

It will be open for the petitioner to approach the appropriate forum for redressal of her private grievances involving civil rights, if so advised.

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.

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(Amrita Sinha, J.)