

Ct. 24
Item No.242
12.09.2023
(Suvendu)

WPA 19601 OF 2022

**Sri Tapas Ash
Vs.
The State of West Bengal & Ors.**

Mr. Shyamal Roy

.....for the petitioner

The affidavit of service filed on behalf of the petitioner is taken on record.

The allegation of the writ petitioner is that the respondent no. 7 is forcefully encroaching his land and making unauthorized construction thereon.

The petitioner lodged complaint before the Chandrakona Municipality but the same is pending consideration.

The Court is, prima facie, of the opinion that the Municipality will not be the proper authority to decide the issue of encroachment. The Municipality can only decide the issue of unauthorized construction that is made without obtaining any sanction from the Municipality.

It appears that the petitioner is yet to lodge a comprehensive complaint before the Municipality highlighting unauthorized construction. In the

absence of appropriate complaint it will not be proper for the Municipality to exercise jurisdiction in the matter.

In view of the above, the instant writ petition is disposed of by granting liberty to the petitioner to approach the concerned Municipality by lodging a comprehensive complaint if the issue of unauthorized construction still persists.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Amrita Sinha, J.)