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31.03.2023
d.p.

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

W.P.A 19943 of 2022

**Bimala Devi Shaw
-versus
Dankuni Municipality & Ors.**

**Mr. Samrat Choudhury,
Mr. Debarshi Brahma.
...For the Petitioner.**

**Mr. Anujit Mookherjee,
Mr. Sourav Chatterjee.
...For the Private Respondents.**

**Mr. Sauradeep Dutta,
Mr. Riju Bhowmik,
Ms. Mina Biswas.
...For the Municipality.**

The petitioner complains of illegal and unauthorized construction.

The Municipality is unable to identify the land of the petitioner over which the alleged unauthorized construction has been made.

In the earlier writ petition filed by the petitioner being WPA 9052 of 2020, the Court directed the Municipality to submit a report on the extent of encroachment into the writ petitioner's land by the private respondents.

The Municipality expressed the inability to ascertain the encroachment, as the property is not demarcated.

The Court gave liberty to the petitioner to approach the Block Land & Land Reforms Officer for appropriate demarcation and to take appropriate civil remedies against the private respondents.

The petitioner has again filed the instant writ petition alleging encroachment and unauthorized construction.

The Municipality submits that as the property of the petitioner is a part of a big plot of land and the same is undemarcated, the Municipality is unable to identify the unauthorized construction.

Learned advocate appearing for the petitioner denies the submission of the Municipality that the land is a big plot of vacant land and it has further been denied that the land of the petitioner is not demarcated.

The petitioner submits that the private respondents have forcefully raised construction over the land of the petitioner without a valid sanction plan.

I have heard the submissions made on behalf of the parties.

As it appears that the allegation of the petitioner is regarding encroachment and forceful occupation of the petitioner's land by the private respondent and raising construction thereon, accordingly, the Municipality will not be the appropriate authority to decide the issue.

It will be open for the petitioner to approach the competent court for obtaining relief against forceful encroachment of land.

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.)