

Item No.15

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

18.12.2023
Ct-24

WPA 21932 of 2023
Sri Shaktipada Bhawal
v.
The Habra Municipality & Ors.

Mr. Chandra Sekhar Banerjee
Mr. Shamit Dutta
... for the petitioner.

Mr. Somnath Gangopadhyay
... for the respondent no. 15.

The petitioner complains that the private respondent has raised construction in such a manner that his private passage has been blocked. Complaint was lodged before the Municipality but the same has not been taken up for consideration.

Learned advocate representing the private respondent denies the allegation of the petitioner.

It has been submitted that the construction in question was made by his father. No new construction is made at present. The present writ petition is a counter blast of the complaint filed by the private respondent against the petitioner herein. Out of vengeance and spite the present writ petition has been filed to take revenge.

None represents the Habra Municipality.

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

Upon hearing the parties and upon perusal of the documents on record it appears that the primary allegation of the petitioner is regarding encroachment of private passage by making construction thereon. Whether the passage is common or not has to be decided by the Civil Court. The Municipality will not be the appropriate authority to decide whether encroachment of private passage has been made or not.

It will be open for the petitioner to approach the appropriate civil Court for redressal of his grievances.

The writ petition stands 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.)