

17. 09.10.2023
bd. Ct.15

WPA 21861 of 2018

Pradip Kumar Basu Roy (Since Deceased) his legal
heirs and representative & Ors.

-vs-

Baranagar Municipality & Ors.

Mr. Debashis Banerjee

Mr. Suprateem Naskar

Ms. Jayashree Patra

Mr. Rakesh Jana ... for the petitioners.

Mr. Arijit Dey ... for the Municipality

Mr. Saumyajit Ghosal

Ms. Tanushree Swarnaka ... for the respondent
Nos. 5 to 8

The writ petition has been instituted, inter alia, alleging that the private respondents were choking cross drainage channel which connects the sewerage system of the premises of the petitioner situated at 3/1, Gangadhar Sen Lane, Kolkata-700036, under Baranagar Municipality with the drainage system of the municipality. A complaint was lodged on 24th September, 2018 by the petitioner addressed to the Chairman of Baranagar Municipality which is at page 42 of the writ petition. On perusal of the said complaint it appears that apart from lodging grievance against the municipality a proceeding under section 144 of the Cr.P.C. was initiated which goes to show that there was a dispute between the petitioner and the private respondents which was not simply confined to alleged disturbance made by the private respondents to the drainage system of the premises of the petitioner.

Having considered the grievance of the petitioner a direction was given by a coordinate Bench on 20th November, 2018 directing the concerned officer of Baranagar Municipality to visit locale with notice to the parties and submit a report in the form of an affidavit.

Subsequently a report was filed in the form of an affidavit affirmed on 18th December, 2018 wherefrom it transpires the site was inspected on 7th December, 2018 in presence of the petitioner and the private respondent namely Ashok Kr. Dey. On perusal of memo dated 17th December, 2018 annexed to the report of the Municipality filed in the form of an affidavit it further appears that on inspection it was found that the drain was completely cleaned having no debris or materials deposited inside/beside the drain and no unauthorised construction was found.

On perusal of the said report and the memo dated 17th December, 2018 which is annexed to the report it appears that the contention of the petitioner regarding blocking the drainage system of his premises has been negated by the concerned authorities of Baranagar Municipality on making inspection upon visiting the locale in presence of the parties.

In view of the aforesaid situation and placing reliance on the report filed on behalf of Baranagar Municipality no further order need be passed on this writ petition excepting a liberty is granted to the petitioner to take steps in accordance with law

against the said memo dated 17th December, 2018, if so advised.

With the aforesaid direction, the writ petition stands disposed of.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)