

Item No.18

29.03.2023
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 22925 of 2022
Sri Bhola Paik
v.
The State of West Bengal & Ors.
with
W.P.A. 15466 of 2022
Bangiya Sakharata Prasar Samity & Anr.
-versus
The State of West Bengal & Ors.

Mr. Sandip Das.

...For the Petitioner in WPA 22925 of
2022 and the private respondent in
WPA 15466 of 2022.

Mr. Fazlul Haque

Mr. Dipankar Ghosh.

...For KMC in
WPA 22925 of 2022.

Mr. Fazlul Haque,

Mr. Dipankar Ghosh,

Mr. Arijit Banerjee.

...For KMC in
WPA 15466 of 2022.

Mr. Jamiruddin Khan,

...For the Respondent Nos. 5 and 6 in
WPA 22925 of 2022 and Petitioner in
WPA 15466 of 2022.

Mr. Jaharlal De,

Mr. Rudranil De.

...For the State in WPA 22925 of
2022.

Mr. Ansar Mondal,

Mr. Nasibul Islam.

...For the State in
WPA 15466 of 2022

A report has been filed by the Executive Engineer
(Building), Borough-XII, Kolkata Municipal Corporation

signed on March 28, 2023. It appears therefrom that the Corporation is unable to identify the premises no. 681, P. Majumder Road where plan has been sanctioned in favour of the petitioner Bhola Paik for making construction.

Prasar Samity alleges that relying on the said plan, Bhola Paik is making construction over the premises no. 294, P. Majumder Road.

It appears that despite repeated efforts made by the Corporation, premises no. 681 could not be identified. The Corporation has already directed Bhola Paik for suspending the construction work in premises no. 681 till the disposal of the title suit filed by and between the parties.

It will not be proper for the Corporation to enter into and decide disputed questions of fact. The Corporation has already failed to identify the premises no. 681.

In view of the above, no relief can be granted to Bhola Paik in the writ petition.

Bhola Paik shall be entitled to raise construction only after clear declaration and identification of the premises no. 681.

The writ petitions stand 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.)