

14.12.2023
Sl. No. 02.
D/L.
Mithun
Ct.No.14.

WPA 23214 of 2023

Smt. Minati Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Dilip Kumar Saha, Ms.Dhriti Das,	...for the petitioner.
Mr. Satyajit Talukdar,	..for the K.M.D.A.
Mr. Avishek Guha, Ms. Sonal Agarwal	..for respondent No.6.
Mr. Suman Sengupta, Ms. Amrita Panja Moulick	...for the State.

Leave is granted to correct the cause title so far as the name of the respondent No.5 is concerned.

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of a property in question. Her rights to ingress and egress to the said property has been blocked by the private respondent. Earlier, the water connection of the petitioner's property was damaged. The petitioner was constrained to file a writ petition. By an order dated 12.06.2023, passed by a Co-ordinate Bench in WPA 28621 of 2022, the Municipality was

directed to take steps to immediately restore the water connection of the petitioner's premises. Similar disturbance continued. This was brought to the notice of the police authority but no steps were taken.

Learned Counsel appearing on behalf of the private respondent No.6 denies the allegation made in the writ petition and submits that her clients is doing necessary repairing work for restoring water connection to the petitioner's property.

Learned Counsel appearing for the Municipality submits that there is an admission in the writ petition about compliance by the Municipality of this Court's order for doing necessary repairing work.

Learned Counsel appearing on behalf of the State relies on the report filed earlier and submits as follows. The WBHDCL was carrying out the work of expansion of Kalyani Express Way. Suddenly, the petitioner and his son appeared and claimed that a portion of the road on which the work is being done belongs to them. This is a baseless claim. They have not raised any civil dispute in any Court of law.

It appears that work of expansion of Kalyani Express Way is going on.

If any of the parties wants to establish any further right in respect of the land/property in

question, the same has to be done before a Civil Court.

There are no admitted facts on which this Court can proceed to dispose of the writ application by allowing the petitioner's prayer.

Liberty is granted either of the parties to approach the Civil Court for appropriate relief.

Therefore, no further order need be passed in this regard. However, the police shall keep a strict vigil at the locale and ensure that no breach of peace takes place.

With these observations, the instant writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Jay Sengupta, J.)