

Item No. 25

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

16.01.2023
Ct-24

WPA 24762 of 2022
Pampa Ghosh
v.
Rishra Municipality & Ors.

Mr. Aniruddha Singh
Mr. D. Abbasi
... for the petitioner.

Mr. J.K. Mondal
Mr. Sayantan Rakshit
... for the respondent no. 4.

The petitioner complains that the private respondent is running a shop by encroaching the public road and carrying on illegal activity of consuming liquor at the said shop.

The further grievance of the petitioner is that the shop completely blocks the free ingress and egress to his premises. A complaint was lodged before the Rishra Municipality in July 2022 but the same is yet to be disposed of.

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

It has been submitted that the shop room is in existence for a pretty long period of time. The present writ petition is a fall out of the personal enmity of the petitioner with the private respondent.

It has been denied that any part of the free ingress and egress of the petitioner's land has been blocked as alleged or at all.

None appears on behalf of the Municipality.

As it appears that there is an objection pending before the Rishra Municipality, accordingly, the engineers of the Municipality are directed to cause a spot inspection to ascertain the allegation of the petitioner.

The spot inspection shall be conducted upon giving prior notice to the petitioner and the private respondent. If it transpires that the shop room is running by encroaching Government road and without any permission from the Municipality, then necessary steps shall be taken for removal of the said shop room in accordance with law.

The Municipality shall ensure that the aforesaid proceeding is concluded at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

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.

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(Amrita Sinha, J.)