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22.02.2023
B.B.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 27711 of 2022

**Smt. Sulekha Devi
-versus
The State of West Bengal & Ors.**

**Mr. Siva Prasad Ghose.
...For the Petitioner.**

**Ms. Sipra Majumdar.
Ms. Prativa Ghatak.
...For State Respondents.**

**Mr. Syamal Kumar Das.
Ms. Smita Pal.
...For Titagarh Municipality.**

Affidavits-of-service filed in Court today are taken on record.

The petitioner complains that a wall on the land of the petitioners has been constructed unauthorizedly by the private respondent.

Reference has been made to the communication made by the Sub-Assistant Engineer (Civil), Titagarh Municipality dated 14th October, 2022 mentioning that the wall has been constructed in violation of the existing municipal laws.

The petitioner prays for a direction upon the Municipality to demolish the said wall.

Learned advocate representing the Municipality submits that it is not possible for the Municipality to

enter into the land of a private party for causing demolition of a wall.

It appears from the submission made on behalf of the parties and upon perusal of the averments made in the writ petition that construction has been made by encroaching the private land of the petitioner.

The Municipality will not be the appropriate authority to decide private disputes in between the parties. The allegation of encroachment ought not to be adjudicated by the Municipality.

In view of the above, the instant writ petition is disposed of by relegating the petitioner to the appropriate forum for redressal of her grievances.

Report filed on behalf of the Officer in Charge, Khardah police station be retained with the records.

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.

(Amrita Sinha, J.)