

15.03.2023
Item No. 66
AGM

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

W.P.A. 28175 of 2022

**Shampa Ghosh
-versus
Kolkata Municipal Corporation & Ors.**

**Mr. Amritam Mondal,
Ms. Ananya Chakraborty.
...For the Petitioner.**

**Mr. Rahul Karmakar,
Mr. Sourav Guchhait,
...For the private respondents 7 to 9.**

**Mr. Achinta Kumar Banerjee
Ms. Era Ghosh**

... For the KMC.

The petitioner alleges illegal and unauthorised construction of an iron grill in the roof top of the premises no. 29B, Gopi Mohon Dutta Lane, Ward No. 7, Borough-I under the jurisdiction of the Kolkata Municipal Corporation.

It has been submitted that the iron grill has been constructed after demolition of the existing load bearing parapet wall which separates the premises no. 29B, Gopi Mohon Dutta Lane and 18, Nabin Sarkar Lane.

It has been submitted that repeated representations filed before the Corporation remained unheeded.

Learned advocate representing the private respondents submits, upon instruction that, setting up of the iron grill does not require permission from the Kolkata Municipal Corporation. The iron grill was set up for securing the private portion of the respondents.

Learned advocate representing the Kolkata Municipal Corporation has received instruction from the Executive Engineer (Civil), Building Department, Borough – I signed on 15.02.2023, wherefrom it appears that an inspection was conducted on 30th December, 2022 and it was found that an old three storied residential building exists at the subject premises. No new construction has been found.

It appears from the submissions made on behalf of all the parties that the dispute is absolutely private in nature.

The petitioner alleges that the private respondent has encroached upon the private property of the petitioner and constructed the iron grill.

The said dispute may be resolved by the parties by approaching the appropriate forum.

It will not be proper for the Kolkata Municipal Corporation to enter into and decide any private dispute between the parties.

In view of the above, no relief can be granted to the petitioner in the instant writ petition. The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)