

Sl. No.29
19.11.2024
Suman
Ct. 15

WPA 4801 of 2024

Sourendra Nath Chakraborty and Anr.
Vs.
The State of West Bengal and Ors.

Ms. Dipika Banu
Mr. Subhadip Chakraborty
Ms. Bolivia Roy
..for the petitioners

Ms. Tanushree Dasgupta
Ms. Dipanwita Ganguly
..for KMC

Ms. Shipra Mazumdar
Ms. Tuhina Parvin
..for the State

Mr. Asoke Bhowmick
Mr. B. Sinha
..for respondent nos. 7 to 11.

The petitioners seek a direction from this Court upon the Kolkata Municipal Corporation to demolish a boundary wall situated at 762 Tarapada Santra Sarani, P.S. Haridevpur, District South 24 Parganas, Kolkata - 700063.

The petitioners' grievance is that the private respondent has constructed the boundary wall to obstruct the egress and ingress to the petitioners' residential property.

Upon perusal the photograph annexed to the writ petition, it appears that the boundary wall in question is

an old structure. In my view, the construction of such a boundary wall does not require a sanctioned plan from the Kolkata Municipal Corporation.

In light of this, no order is required to be passed in this writ petition, as the Kolkata Municipal Corporation does not have jurisdiction to demolish a boundary wall of this nature.

The dispute between the parties pertains to right, title, and interest over the relevant properties. Given that the dispute is of a civil nature, this writ petition is not entertained.

Accordingly, **WPA 4801 of 2024** is dismissed.

The dismissal of this writ petition does not bar the petitioners from pursuing their claim before the competent civil court.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)