

Item No. 6

28.02.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 5541 of 2024
Debasis Mandal

v.

The State of West Bengal & Ors.

Mr. Dilip Kumar Sinha
... for the petitioner.

Mr. Lalit Mohan Mahata, AGP
Mr. Prasanta Behari Mahata
... for the State.

The petitioner seeks for a direction for consideration of the representation filed before the Chairman of Tamluk Municipality. In the representation the petitioner has highlighted his apprehension of being dispossessed from the property by the respondent no. 5 with the aid and assistance of the Councillor-cum-President of Ward No. 4, Tamluk Municipality.

Learned advocate representing the petitioner submits that the present writ petition has been filed on humanitarian ground. The petitioner is a disabled person and he is suffering from more than 100% disability.

The learned advocate representing the State respondents submits that the writ petition is not maintainable.

Upon hearing the parties and upon perusal of the materials on record the Court is of the opinion that the dispute in question is out and out a private dispute relating to a private property in between the private

parties. The writ Court is not the competent forum to adjudicate the issue.

The prayer of the petitioner directing the Chairman to consider the report filed by the petitioner cannot be allowed because of the fact that the Chairman will not be the appropriate authority to pass any direction for protection of the property of the petitioner.

If the petitioner apprehends that his property is at stake at the behest of private party, the petitioner ought to have approached the appropriate Court for relief.

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.

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(Amrita Sinha, J.)