

Ml- 29.04.2024
128 Ct.15
rkd

W.P.A. 8041 of 2021

Sri Sanatan Mondal

-vs-

The Howrah Municipal Corporation & Ors.

Mr. Ramij Munsu,
Mr. Rittick Chowdhury,
Ms. Muskan Agarwal

....for the petitioner.

Ms. Sipra Majumder,
Ms. Somashree Dey

....for the State.

Mr. Sandipan Banerjee,
Mr. Ankit Surekha,
Mnr. Sobhan Majumder

....for the HMC.

The writ petition is heard in presence of the learned advocates representing the petitioner, Howrah Municipal Corporation and State respondents.

During course of hearing the learned advocates representing the parties has brought to the notice of this Court a decree dated 29th January, 2018 passed in Title Suit No.413 of 2016. The relevant part of the decree is quoted below.

“The plaintiff does get a decree of permanent injunction against the defendants including their men, agents and employees from constructing any VAT in frontage in the ‘A’ schedule property (‘B’ schedule property) by blocking the gate of entrance and exit of the ‘A’

schedule property.”

In view of the order passed by the civil Court on Title Suit No.413 of 2016 it appears that the remedy lies before the civil Court in order to get relief as claimed in this writ petition; since petitioner has prayed for removal of VAT which is being maintained by the Howrah Municipal Corporation in front of the petitioner's property. Therefore, no order need be passed on this writ petition, save and except granting leave to the petitioner to take steps in accordance with law based on the decree dated 29th January, 2018.

Accordingly, the writ petition stands disposed of.

However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)