

Item No.13

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

06.05.2024
Ct-24

WPA 7681 of 2023

Atanu Ganguly

v.

The State of West Bengal & Ors.

with

CAN 1 of 2023

Mr. Arun Kumar Maiti (Mohanty)

Ms. Kaberi Sengupta Mohanty

Mr. R.R. Mohanty

Ms. Snigdha Ghosh

Mr. Shivam Saha

... for the petitioner.

Mr. Rajarshi Basu

Mr. K.M. Hossain

... for the State.

Mr. Supratim Dhar

Mr. Santimay Bhattacharya

... for the Municipality.

Mr. Fazlul Haque

Mr. Sanatan Mondal

... for the respondent no. 9.

The petitioner complains that the private respondent is making construction without sanctioned plan. Allegation is that the objection filed against such unauthorized construction has not been considered till date.

Learned advocate representing the private respondent and the learned advocate representing the Municipality submits, upon instruction that, the construction had been made under the PMAY Scheme.

The Municipality submits that the construction is in accordance with the model plan.

It appears from the submission made on behalf of the parties that a civil suit in between the parties is pending consideration before the learned Civil Court. Whether the construction has been made over the land of the petitioner is to be adjudicated by the civil forum. The Municipality will not be the competent authority to decide ownership or title of the land where the construction has been made at the behest of the private respondent.

In view of the above, it will be open for the petitioner to approach the competent civil forum for remedy.

The writ petition and the connected application stand disposed of.

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.)