

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(APPELLATE SIDE)**

Present:

The Hon'ble Justice Rai Chattopadhyay

WPA 12552 of 2023

Kanaka Ratnam

vs.

State of West Bengal & Ors.

For the Petitioners

: Mr. Snehasis Jana,
Ms. T. Das.

For the respondent no. 5

: Mr. Balaram Patra,
Mr. Suvodip Bhattacharya.

For the Municipality

: Mr. Mrinal Kanti Ghosh,
Mr.Chandra Nath Sarkar.

Heard on

: 07.05.2024

Judgment on

: 07.05.2024

Rai Chattopadhyay,J.

1. The writ petitioner claims ownership of the concerned property which is adjacent to the other property comprised within the contiguous plot of land, wherein the petitioner has alleged of illegal activities.
2. Allegedly, the private respondent in this case has been raising unauthorized construction without leaving adequate vacant space in between the said two properties, that is, in violation of the statutory provisions.
3. The writ petitioner is aggrieved and has submitted a representation ventilating his grievance before the respondent

municipality, that is, dated April 18, 2023. The same is still pending and not decided yet.

4. Mr. Balaram Patra, learned counsel is appearing for the private respondent. He has strong objections to raise in this case. According to him as well as respondent/municipality neither any statutory violation has been made by the said respondents, as alleged, nor the petitioner has been able to prove with sufficient documents as regards his ownership to the contiguous adjacent plot of land. It is submitted that the respondent is the lawful owner of the land on which he is residing.
5. However, that the writ petitioner is residing at the land adjacent to that owned by the private respondent, is not denied.
6. It is also stated that the writ petitioner has been trying, by filing several cases before different fora, to hinder the peaceful enjoyment of the property right by the private respondent.
7. The representation dated April 18, 2023, is still pending before the respondent authority. Let that be disposed of by it, as in the same all the petitioner's grievances are ventilated.
8. In deciding the said representation, the respondent authority shall hear the writ petitioner as well as the private respondent and any other interested person as it would deem fit and proper and shall also consider all the relevant and connected documents, relating to the dispute.
9. The exercise as above, shall be concluded by the respondent authority within a period of four weeks from the date of service of copy of this order and the same shall be disposed of by dint of a well-reasoned order.
10. Needless to mention that the Court has not entered into the merits of the case and the points are kept open to be considered

by the respondent authority while disposing of the said representation.

- 11.** Since no affidavit has been called for, from the respondents the allegations made by the writ petitioner are deemed to be denied by the respondents.
- 12.** The writ petition No.WPA 12552 of 2023 is **disposed of**.
- 13.** Urgent Photostat certified copy of this judgment, if applied for, be given to its parties on usual undertaking.

(Rai Chattopadhyay, J.)

D. Hira