

ML 199
15.05.2024
d.p.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

W.P.A. 21514 of 2022

**Chandan Jana
-versus
The State of West Bengal & Ors.**

**Mr. Shibaji Kumar Das,
Mr. Dipendu Sarkar.
...For the Petitioner.**

Affidavit-of-service filed in Court today is taken on record.

None appears on behalf of the respondents.

The petitioner complains that some unknown persons entered upon his land and excavated earth from the same.

A complaint was lodged before the Contai Municipality but no steps have been taken.

Learned advocate appearing on behalf of the petitioner is not aware as to whether any construction has been made after excavation of the land.

The Court is of the opinion that as regards encroachment and excavation of earth from the petitioner's plot of land, the petitioner ought to approach the competent civil Court for remedy.

The Municipality will not be the competent authority to decide upon encroachment. The Municipality would be required to act only if any unauthorized construction is made thereat.

In view of the above, no relief can be granted to the petitioner in the instant case.

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.

(Amrita Sinha, J.)