

02
27.09.2024
d.p.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 1907 of 2024

**Chandramani Pradhan
-versus
The State of West Bengal & Ors.**

**Ms. Suman Sehanabis (Mandal),
Mr. Salok Sah,
Ms. Anwesha Chakraborty.
...For the Petitioner.**

**Mr. Sumit Sarkar,
Ms. Rima Sarkar.
...For the State.**

**Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah.
...For the Kurseong Municipality.**

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

The petitioner is aggrieved by the notice dated 9th August, 2024 issued by the Vice-Chairman, Board of Administrators, Kurseong Municipality intimating the petitioner that he constructed his building by encroaching the Jhora. The construction is outside the boundary line of the petitioner. The petitioner was directed to meet the Vice-Chairman with all relevant documents of land and building.

The petitioner has annexed document to show that he met the Vice-Chairman along with all documents. The Municipality is yet to pass a final order in the matter.

As the allegation is regarding encroachment by making illegal construction, accordingly, a spot inspection is required to be conducted to ascertain proper facts.

The Municipality is directed to conduct a joint inspection upon prior notice to the petitioner.

Spot inspection report shall be forwarded to the petitioner clearly disclosing the portions which may have been constructed beyond the boundary line.

A reasonable opportunity of hearing shall be given to the petitioner to produce all documents in support of the construction made.

If it transpires that the construction is not in accordance with law, then necessary steps shall be taken to deal with the same in accordance with law.

The respondents are restrained from entering into or adjudicating any private disputes involving civil rights of the parties. The issue of ownership/title will not be decided by the Municipality. It will be open for the parties to approach the appropriate civil court for declaration of civil rights.

A decision shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Pending a final decision in the matter, the Municipality is restrained from taking any coercive step against the construction made by the petitioner.

The writ petition stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)