

M/L 53
08.12.2025
chanchal

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

W.P.A 3127 of 2024

**Noor Islam Molla
-versus
The State of West Bengal & Ors.**

Mr. Anjan Banerjee

... for the petitioner

Mr. Gobinda Chandra Bandyopadhyay

Mr. Sourav Goswami

... for the Uluberia Municipality

1. The affidavit of service filed in Court today is taken on record.
2. The present writ petition has been filed *inter alia* alleging illegal construction by the private respondent without any sanction building plan upon the land situated Dag No. 3316, 3317, 3318 classified as Bastu Danga and garden by encroaching upon the petitioner's property.
3. Although the private respondent is not represented, however, the learned advocate appearing for the Uluberia Municipality on instruction has placed before this Court, a report dated 16th May, 2025 prepared by the Sub Assistant Engineer Uluberia Municipality. Record reveals on the basis of the complaint made by the petitioner the Sub-Assistant Engineer had carried out a local inspection over the plot in question which is within word No. 10 of Dakshin Bauria and has been

able to ascertain that one Niyamat Ali is the recorded rayat in respect of more or less 0.3 decimals of land. According to such report, there existed an old dilapidated kachha house. Recently Niyamat Ali upon receiving assistance under the Pradhan Mantri Awas Yojana has constructed a pucca structure (one storied) under D.P.R. No. 93. Let a copy of the aforesaid report be taken on record.

4. Having regard thereto though the petitioner would complain that the private respondent has encroached upon the land, I am of the view that there is no scope for this Court to entertain such disputed in question. Accordingly, no interference is called for and the writ petition stands dismissed. Leaving it open to the petitioner to seek appropriate remedy in respect of the other reliefs which have not been adjudicated before this Court before appropriate forum, if so advised.
5. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Raja Basu Chowdhury, J.)