

WPO/888/2024

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

MD. HASMAT.

-VERSUS-

THE STATE OF WEST BENGAL AND
ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date: 5thFebruary, 2025

Appearance:

Mr. Ashim Kr. Roy, Adv.
Mr. Sutanu Chakrabarti, Adv.
...for the petitioner.

Mr. Achintya Banerjee, Adv.
Mr. Swapan Kumar Debnath, Adv.
...for the KMC.

Mr. Anand Farmania, Adv.
Mr. Manoj Malhotra, Adv.
Mr. Sabyasachi Mondal, Adv.
Ms. Indumouli Banerjee, Adv.
...for the State.

The Court: The petitioner claims to be a thika tenant in respect of premises no. 5/2 and 5/2F, Tiljala Road, P.S. Beniapukur, Kolkata-700046. The petitioner alleges that although respondent no. 10 has no legal right concerning the said property, he is attempting to demolish a common privy and bathroom, and is obstructing the petitioner's ingress and egress by erecting a corrugated tin structure.

It is my view that the present writ petition is not the appropriate forum for adjudicating this dispute.

The Corporation has submitted that a corrugated tin structure does not fall within the definition of "building" under the Kolkata Municipal Corporation Act, 1980. Consequently, the Corporation lacks jurisdiction over the alleged unauthorized construction.

In light of this, I am not inclined to entertain this writ petition. However, this order shall not preclude the petitioner from seeking redress through the appropriate forum, including the relevant Thika Controller.

WPO/888/2024 is, accordingly, disposed of.

(KAUSIK CHANDA, J.)

A/s.