

M/L 74
08.01.2026
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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 944 of 2025

Dipak Kumar Mukherjee
Versus
Naihati Municipality & Ors.

Mr. Jayanta Kumar Datta
Mr. Saikat Shaha Banik
... For petitioner.

Mr. Aranya Saha
... For the Municipality.

1. Affidavit of service filed in Court is taken on record.
2. Complaining that the private respondents are attempting to use the petitioner's property situate at C.S. Dag No.824, C.S. Khatian No. 812, J. L. No. 4, Police Station- Naihati, as a means of access to their particular plot, a complaint was lodged before the municipal authorities on 15th September, 2023. Subsequently, a further complaint was made on 11th December, 2024, noting in paragraphs 5 and 6 thereof on the following terms.

"5. That for some times past, the adjacent owner of my said building who are also the co-owners, viz., holding nos. 19, 19/1, and 19/1/A/1, Rajani Kanta Chatterjee Road, Naihati, are unauthorisedly using a portion of my said land and building at C.S. Dag No. 824 (being corresponding LR. Dag No.1762) as passage in order to grab my said property for ingress and egress in spite of their having separate passages for each holding.

6. That in spite of my repeated request and warning they are forcibly using a portion of my said land and building as passage as a result of which I had to face a lot of trouble. Earlier a representation was made before you on 15-09-2023 in this regard for taking steps against such unauthorized use. But to no effect.”

3. Though the private respondents are not represented and though the learned advocate representing the municipality is unable to enlighten this Court as to the outcome of the complaint, going by the complaint made by the petitioner, I am of the view that there is no scope for this Court to entertain the writ petition in relation to the interference with the petitioner's property by way of user by the private respondents. The petitioner obviously has an alternative remedy before the civil forum.

4. Accordingly, the writ petition stands dismissed.

(Raja Basu Chowdhury, J.)