

30.03.2026
Sayandeep
Sl. No. 02
Ct. No. 03

WPA 4858 of 2026

Ranjit Sapui
Vs.
The State of West Bengal & ors.

Mr. Supratick Syamal
Ms. Arkarupa Roy

.... For the petitioner

Mr. Biswarup Biswas

..... for the State

Mr. Sandipan Banerjee
Mr. Dipankar Ghosh

..... for the KMC

Mr. S. P. Mukherjee, Sr. Adv.
Mrs. D. Mukherjee

..... for the private respondent No. 8

1. The present writ petition has been filed, inter alia, praying for implementation of the order dated 17th May, 2024 passed in WPA 2812 of 2023. Records would reveal that disputes and differences having arisen in relation to the property being all that piece and parcel of land measuring 4 acers more or less in CS and RS plot Nos. 3259 and 3360 and 3361 under CS, RS. Khatian No. 738 under Mouza-Kasba, JL No. 13 under P.S. Tollygunge at present Kasba in the District of South 24 parganas, the petitioner had not only applied for correction of record and rights but has also filed a title suit before the Civil Judge(Junior Division), 2nd Court at Alipore which was registered as TS No. 1191 of 2019. There appears to be a subsisting order of injunction restraining the defendants from dispossessing the plaintiff from the suit property

without due process of law. It is the petitioner's further case that the private respondent had been illegally constructing on the petitioner's property for which the writ petition being WPA 2812 of 2025 had been filed. The said writ petition was, however, disposed of by an order dated 17th May, 2024 granting liberty to the petitioner to approach the municipality for an inspection and consideration of the issue as to whether the boundary wall that has been constructed was as per the Building Rules. The procedure for consideration of the petitioner's representation was also spelt out in the said order.

2. The petitioner is aggrieved by failure on the part of the municipal authorities to carry out the aforesaid direction. The learned advocate for the petitioner would submit that the municipal authorities have neither carried out any inspection nor have considered the petitioner's case.
3. Mr. Banerjee, learned advocate appears for the municipality. He, however, submits that till date the petitioner has not in terms of the liberty afforded by the co-ordinate Bench vide order dated 17th May, 2024, applied before the municipality for an inspection.
4. Having regard thereto and upon being called upon by this Court, the learned advocate for the petitioner, however, could not identify any document to demonstrate that any application/representation had

been made before the municipal authorities. The only statements relied on by the petitioner is the statements made in the paragraphs 32 and 35 of the writ petition.

5. To morefully appreciate the same, the relevant paragraphs are reproduced herein below:

“32. Your petitioner states and submits that the aforesaid order was passed in presence of the Learned Counsels representing the Kolkata Municipal Corporation. Furthermore copy of the said order was duly communicated to the respondent authorities for compliance of the same. However, the respondent authorities failed and neglected to take any steps in the matter of taking decision with regard to an authorized construction of boundary wall over the petitioner’s property.

35. Your petitioner states that since the municipal authority has not yet taken steps against the respondent No. 8 on the basis of the aforesaid representation submitted on behalf of the petitioner, the private respondent is continuing his illegal activities.”

6. As would appear from the above, the petitioner had duly communicated the aforesaid order without making any request for inspection at least no document has been disclosed before this Court to demonstrate that the petitioner has made any application in terms of the liberty afforded by the coordinate Bench of this Court on 17th May, 2024.

7. In the circumstance as aforesaid, this Court is not inclined to pass any order in the writ petition.

8. Accordingly, the writ petition is dismissed without any order as to costs.

(Raja Basu Chowdhury, J.)