

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26744 of 2025

Anupam Kanji & Ors.
Versus
The Diamond Harbour Municipality & Ors.

Mr. Partha Sarathi Deb Barman
Mr. Falguni Bandyopadhyay
Ms. Sreetama Neogi
Ms. Riya Ballav
Mr. Tamal Mukhopadhyay
... For the petitioners.

Mr. Shyama Prasad Purkait
Mr. Pradip Kumar Neogi
...For the municipality.

Mr. Pradip Kumar Mondal
Mr. Arka Mondal
... For the respondent nos. 8 to 10

1. The present writ petition has been filed complaining illegal construction at the behest of the respondent nos. 8 to 10. The petitioners claim to have inherited the interest of Binapani Kanji who was the recorded owner in respect of R.S. Plot no.601, L.R. Plot no.643, J.L. No. 93, Khatian no.358, Mouza – Bhagbanpur, under Diamond Harbour Municipality, District – South 24 Parganas, admeasuring 9 decimals.

2. The petitioners claim that the respondent nos. 8 to 10, though wrongfully recorded as respondent nos. 7 to 9 in paragraph 4 of the writ petition are the adjoining owners of the plot being plot no.647, J.L No. 93, Khatian no. 456/1 Mouza Bhagbanpur, measuring 4 decimals. According to the petitioners, the private respondents

without authority of law and without sanction from the municipal authorities had commenced construction. In the circumstances as aforesaid, the petitioners have lodged a complaint with the municipal authorities.

3. Learned advocate for the petitioners would submit that though the complaint also concerns encroachment, the petitioners do not want to press the issue of encroachment in the writ petition.

4. The municipality is represented. Learned advocate representing the municipality would submit that there are civil disputes going on between the parties. According to him only a boundary wall has been constructed.

5. The private respondents are represented. Learned advocate for the private respondents by placing before this Court a photocopy of the sanctioned building plan issued by the Diamond Harbour Gram Panchayat in the year 1980 on 7th August, 1980, would submit that the construction of the building, standing on the plot recorded in the name of the respondent nos. 8 to 10, is with the sanction from the then Gram Panchayat. According to him, the construction is not illegal nor the same is unauthorized.

6. Let a copy of the sanctioned building plan be retained with the record.

7. Having heard the learned advocates appearing for the respective parties and noting from the submissions

made by the parties that a civil dispute is pending between the parties and also noting that the construction by the private respondents is on the basis of the sanctioned building plan, I am of the view that the matter can be disposed of by directing the Diamond Harbour Municipality to take note of the aforesaid facts and if necessary decide the petitioners' representation by passing a reasoned order.

8. With the above observations and directions the writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)