

Item No.56

In the High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

04.12.2023  
Ct-24

WPA 23995 of 2023  
Tarun Kanti Aun

v.

The Basirhat Municipality & Ors.  
with  
CAN 1 of 2023

Mr. Avijit Ghoshal  
... for the petitioner.

Mr. Kallol Kumar Basu  
Md. Jannat Ul Firdous  
... for the respondent nos. 6,7 & 8.

The petitioner complains that the private respondents have constructed a road over the private land of the petitioner.

The aforesaid submission of the petitioner has been denied by the learned advocate representing the private respondents.

It has been submitted that a Suit at the instance of the petitioner in respect of the self-same land in question is pending consideration before the learned Civil Court. Prayer made in the Suit is similar to the prayer made in the writ petition.

It appears from the submissions made on behalf of the parties that the issue is with regard to the construction of a pathway. Ownership of the plot where the construction has been made is disputed. The issue is pending consideration before the learned Civil Court.

It will not be proper for this Court to direct the Municipality to take a decision with regard to encroachment.

In view of the above, no relief can be granted to the petitioner in the instant writ petition. The petitioner may raise all points before the learned Civil Court whether the Suit is pending consideration.

The writ petition and the connected application stand disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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**(Amrita Sinha, J.)**