

Pradip Kumar Chandra & Anr Vs State Of West Bengal & Ors

Court: Calcutta High Court (Appellate Side)

Date of Decision: Jan. 29, 2025

Hon'ble Judges: Debangsu Basak, J; Md. Shabbar Rashidi, J

Bench: Division Bench

Advocate: Jahangir Hossain, Achinta Kr. Banerjee, Indumouli Banerjee, Abhinaba Dan

Final Decision: Dismissed

Judgement

Debangsu Basak, J

1. Appeal is at the behest of the writ petitioners and directed against an order dated February 29, 2024 passed in W.P.A. 15103 of 2022.

2. Appellants claim that, there are constructions which are unauthorized at the locale, made at the behest of the private respondents.

3. In consideration of such allegations, learned Trial Judge called for reports from the concerned Municipality.

4. Such reports were filed.

5. On consideration of the materials placed on record including the affidavits of the parties and the reports of the Municipality, learned Single Judge

found that, there were civil disputes between the parties. Consequently, learned Single Judge in view of the existence of such civil disputes which

according to the learned Single Judge required to be adjudicated upon by the appropriate forum, permitted the parties to approach the competent civil

forum for necessary relief.

6. Appellants, Municipality and the private respondents are represented.

7. Allegations relate to alleged unauthorized construction on LR Plot No.12123. Reports were submitted by the Municipality before the Trial Court.

Municipality is of the view that, there was a pre-existing construction on the plot. With the onset of the Pradhan Mantri Awas Yojana and the private

respondents being found eligible for the assistance thereunder, private respondents received such benefits. Municipality permitted the private

respondents to make the construction presently standing.

8. Learned Advocate appearing for the private respondents submits that, there is a civil suit pending between his clients and the appellants. He submits

that, the original owner died intestate. The Title Deed on the basis of which the appellants seek to lay claim on the plot concerned is a forgery. Dispute

with regard to that is the subject-matter of the pending civil suit.

9. There is an issue as to the locus of the appellants to file the writ petition claiming themselves to be the owner of Plot No.12123. There is also the

issue of the unauthorized construction which according to the Municipality was constructed after due permission.

10. On both the aspects, we find that, the learned Single Judge did not err in permitting the private parties to avail of their remedies before the

appropriate civil forum.

11. We find no merit in the present appeal.

12. FMA 564 of 2024 along with all connected applications are dismissed without any order as costs.