

D.L. 56.
14.10.2020
S.D.

W.P.A. 6906 of 2020

**With
CAN 1 of 2020**

**Avijit Sarkar
Vs.
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Dipankar Pal
Mr. Tirthankar Mukherjee
.....for the Petitioner.

Mr. Santanu Mitra
Mr. Sudip Sarkar
... for the State.

In re: CAN 1 of 2020

This is an application for urgent hearing of the writ petition and is disposed of by taking up the writ petition for consideration.

The writ petition is taken up subsequent to the order dated September 30, 2020.

The grievances of the petitioner are largely two-folds. On one part the petitioner complain that, there is unauthorized construction. On the other part the petitioner complain that,

the private respondents encroached the property of the petitioner.

Report was called for. The State authority submitted a report.

The petitioner does not dispute the contents of the report.

It appears from the report of the State authorities that, there is discrepancy in the schedule of the property of the deed of gift annexed to the writ petition with the deed of gift produced at the time of enquiry for preparation of the report.

It is not for the Writ Court to decide title. Apparently, the private parties have disputes with regard to an immovable property. It is for the private parties to avail of their remedies from the appropriate forum. So far as the allegation of unauthorized construction is concerned, the Court is informed by the learned Advocate for the State that, the concerned State authorities requested the Gram Panchayat to look into such allegation.

In the facts of the present case, in my view, interest of justice would be sub-served by requiring the Gram Panchayat to make an enquiry as to whether there exists any unauthorized construction as complained of by the petitioner or not. In the event, Gram Panchayat finds any unauthorized

construction, it is open to them to take appropriate steps with regard thereto.

It is clarified that, this order does not vest jurisdiction on the Gram Panchayat to decide title of any of the private parties with regard to any immovable property.

This Court is informed that, the post of the Gram Panchayat is presently vacant.

In the event, such post is vacant, the appropriate person authorized in law discharging the functions of the Gram Panchayat, will take appropriate steps in terms of this order.

Learned Advocate appearing on behalf of the State submits that, there is a person in the post of Pradhan and that, the Pradhan called the parties for a hearing on the issue.

Learned Advocate appearing on behalf of the petitioner seeks a time frame for the disposal of the proceeding before the Gram Panchayat.

In such circumstances, the Gram Panchayat will endeavour to conclude the proceeding within a period of four weeks from the date of communication of this order.

W.P.A. 6906 of 2020 is disposed of accordingly without any order as to costs.

(Debangsu Basak, J.)