

Item No. 117

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

23.03.2021
Ct-24

W.P.A. 3634 of 2021
Sachindra Nath Naskar
v
The State of West Bengal & Ors.

Mr. Sudarshan Ghosh
... for the petitioner.

Mr. Anirudha Mohant
... for the State.

Mr. Chandra Nath Sarkar
... for the respondent no. 5.

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
...for the private respondents.

The petitioner alleges that the private respondents are making unauthorized construction in the Dag No. 118, L.R Khatian No. 416, J.L. No. 18, Mouza-Hatpara without obtaining the necessary sanction from the Sreepur Gram Panchayat.

The petitioner alleges that the representation dated January 12, 2021 filed before the Pradhan against such unauthorized construction has not been taken up for consideration till date.

The learned advocate appearing on behalf of the private respondents submits that they are making repair work of the construction which got damaged in view of the cyclone Amphan after obtaining necessary permission from the Gram Panchayat.

The learned advocate appearing on behalf of the Gram Panchayat submits that permission has been granted to the private respondents for repairing the construction, which stood damaged.

The specific allegation of the petitioner is that instead of making repair work the private respondents are carrying on new construction.

The facts in question appear to be highly disputed by the parties. The writ Court ought not to enter into the disputed question of facts. A title suit is already pending between the parties in the learned Court below.

In view of the above, the instant writ petition is disposed of by relegating the parties to the civil suit which is pending for consideration.

In the meantime, however, the Pradhan of the Gram Panchayat shall ensure that the repair work is being carried out by the private respondents strictly in accordance with the permission granted.

WPA 3634 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)