

23.11.2021
Court No. 19
Items No. 7
CP

WPA 6671 of 2021

Santanu Paul
Vs.
The State of West Bengal & ors.

Mr. Swapan Kumar Nandi
Mr. S. N. Chattopadhyay

.....for the petitioner.

Mr. Susovan Sengupta
Mr. Srikant Pal

....for the State.

This petition cannot be entertained in view of the allegations made herein. The primary challenge in the writ petition is the inaction of the State authorities in removing the unauthorized occupants from the lands acquired by the Government from the petitioner, which are now P.W.D lands. The petitioner alleges that some of the petitioner's lands along with those of other villagers had been acquired by the Government and the P.W.D was the requiring body. The acquisition was done for construction of a bridge. When the bridge was completed, some portions of the said acquired lands remained vacant and there has been unauthorized construction.

The prayers in the writ petition and the pleadings do not disclose that the petitioner has raised any grievance before the panchayat authorities. The main grievances in the writ petition

are against the State respondents and the District Magistrate. Thus the writ petition cannot be entertained in its present form. However, if the petitioner alleges unauthorized construction by any person, the petitioner is always at liberty to approach the gram panchayat in accordance with law. If such approach is made, the panchayat authorities shall restrict its enquiry only to the allegations of unauthorized construction, that is, whether any construction has been made without any permission from the panchayat authorities or in deviation of any permission granted by the authorities and only if such constructions are contrary to the provisions of the Act and the Rules.

With the above observations, the writ petition is disposed of. There shall be no order as to costs. This court has not decided any issue in this petition.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)