

26.03.2021
SL No. 165
Court No.24
(P.M.)

WPA 7182 of 2021
Achinta Nandy
Vs.
The State of West Bengal & Ors.

Mr. Sunny Nandy,
Mr. Tamal Singha Roy
... for the petitioner

Mr. Sudip Sarkarm
Mr. Md. Sayeed Khan
.... For the respondent No. 7

Ms. Anwari Quraishi,
Ms. Zainab Tahir
... for the State

The petitioner, claiming to be the owner of the property in question, has approached this Court for a direction upon the Prodhan of the Gram Panchayet for taking steps against the private respondents for making unauthorised construction in the premises in question without obtaining a sanction plan.

The learned advocate representing the private respondent submits, upon instruction, that there is gross suppression of material facts in the writ petition. The petitioner has entered into an agreement for sale with the private respondent and at present is not acting in terms of the said agreement for sale. A Suit has been filed before the learned trial Court below praying for specific performance of contract being Title Suit No. 139 of 2020 pending before the Civil Judge, Senior Division, Uluberia, Howrah.

In reply to the aforesaid contention of the private respondents the petitioner relies upon paragraph 4 of the

writ petition wherein the petitioner has mentioned that after purchase of the said property the private respondents approached the petitioner for construction and developing the said property. A Memorandum of Understanding was entered by and between the petitioner and the private respondents for the purpose of construction and development of the said property, but thereafter the copy of the Memorandum of Understanding was not supplied to the petitioner.

The petitioner has thereafter mentioned in the writ petition, that the private respondents started to excavate the land and cut down the trees for making construction. Later on the petitioner came to know that no plan has been sanctioned from the Gram Panchayet for the purpose of making construction.

The learned advocate appearing for the private respondents submits that no construction is being made in the said property at present.

It appears from the submissions made on behalf of the parties that there is a civil private dispute pending between them. The petitioner presently intends to fall back upon the Prodhan for taking steps against the private respondents for making unauthorised construction thereon.

The petitioner has admitted in his writ petition that a Memorandum of Understanding was entered between the

petitioner and the private respondents for making construction.

At this stage, the Writ Court ought not to enter into the private civil dispute in between the parties.

The parties are accordingly relegated to the appropriate forum, to take necessary steps, in accordance with law, for redressal of their grievances, if so advised.

WPA 7182 of 2021 is disposed of.

Affidavit of service filed in Court is taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)