

7.9.2021
Court No. 19
Item no.14
sn

WPA No. 8569 of 2021

Sk. Rafikul Islam Vs. The State of West
Bengal & Ors.

(via video conference)

Mr. Rafikul Islam Sardar ..for the petitioner

Mr. Santanu Kr. Mitra ..for the State

Mr. Uttam Kr. Bhattacharya ..for the respdt. No.2

Mr. Sk. Rejaul Islam ..for the respdt. No.8

This writ petition has been filed alleging encroachment and unauthorized construction on L.R. Dag No.1654 pertaining to L.R.Khatian No.2398, Mouza Nandigram.

It is the contention of the petitioner that the petitioner is the owner of the said land. That the respondent no.8 has constructed on the said land by encroaching thereupon. That the construction has been made without a valid sanction plan.

The respondent no.8 produces documents to show that the construction has been made on the basis of a sanction plan. It is submitted that the question with regard to the encroachment is not to be decided by the panchayat authorities.

It is further submitted that the building has been constructed on the basis of a sanction plan and such construction has been completed.

None appears on behalf of the panchayat authorities.

It appears from the certain documents handed over by the petitioner that the Pradhan of the Nandigram-4 Gram Panchayat has acted on the basis of the complaint of the petitioner and had called the respondent no.,.8 for a hearing.

Despite service, none appears on behalf of the Pradhan of Nandigram-4 Gram Panchayat.

Mr. Mitra, learned advocate for the respondent nos. 4 to 6 submits that prosecution under Section 107 of the Code of Criminal Procedure has been filed on the basis of the complaint against the respondent no.8.

Mr. Bhattacharya, learned advocate for the Zilla Parishad submits that the dispute is civil in nature and the Zilla Parishad does not have any role to play.

Having heard the learned advocates for the respective parties, this writ petition is disposed of with a direction upon the Pradhan, Nandigram-4 Gram Panchayat to dispose of the representation of the petitioner being Annexure-P to the writ petition dated March 17, 2021 and a reasoned order shall be passed and communicated to all concerned. The respondent no.8 shall also be allowed to participate

in the said proceeding and produce all the documents in support of his contentions.

It is also made clear that the allegation of the petitioner with regard to title encroachment and possession over the said land, shall not be decided by the panchayat authorities. The panchayat authorities will restrict the consideration only as to whether there has been any deviation from the sanction plan.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)