

S/L 13
29.11.2021
Court. No. 19
GB

WPA 10513 of 2021

Sailen Gayen & Ors.
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Sudardhan Ghosh.

...for the Petitioners.

*Mr. Govinda Chandra Baidya,
Mr. Loknath Paul.*

...for the Respondent No.7.

Mr. Debabrata Sardar.

...for the Respondent No.9.

Mr. Amitesh Banerjee.

...for the State.

The petitioners allege unauthorized construction on the plots mentioned under the caption 'Schedule of Land', which appears in Paragraph-2 at Page-5 of the writ petition.

It is the contention of the petitioners that the property is a private debottar property and the respondent no.7 to 10 have constructed unauthorizedly on the said property in question.

The learned advocate appearing on behalf of the respondents submits that pursuant to an order passed by the learned District Judge, the property was purchased by the respondent nos.7 to 10 and thereafter constructions have been made on the basis of a permission granted by the panchayat authorities.

Mr. Ghosh, learned advocate appearing on behalf of the petitioners submits that no such permission was ever granted by the panchayat authorities.

Mr. Banerjee, learned Senior Standing Counsel appearing on behalf of the State respondents submits that prima facie, there does not appear to be any irregularity in the construction. However, the allegation is against the panchayat authorities in not disposing of the complaint of the petitioners. Moreover the police authorities are not empowered by law to decide such issues.

The writ petition is disposed of with a direction upon the competent authority of the Jalabheria-I Gram Panchayat to dispose of the representation of the petitioners dated March 24, 2021 at page-43 of the writ petition in accordance with law, upon hearing the petitioner and all other interested parties including the respondent nos.7 to 10.

The question of title, encroachment, possession shall not be gone into by the panchayat authorities. The enquiry by the panchayat authorities shall be restricted exclusively to the determination as to whether any construction has been made allegedly by the respondent nos.7 to 10 without any permission/sanction from the authorities in question. A reasoned order shall be passed and communicated to all. If the petitioners are aggrieved by the alleged sale, the petitioners are entitled to approach the appropriate forum in accordance with law.

The entire exercise shall be completed within a period of three months from date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)